A DISSERTATION

ON

DUELLING.

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INTRO-

INTRODUCTION.

DUELLING has been treated by Writers of ſuch Reputation, and ſo numerous, that the Author of the following pages hopes it will not be imputed to him as a fault, to have omitted or but ſlightly touched upon ſome of the moſt *common* Topics. On the other hand, although he has endeavoured to think for himſelf, he has found it indiſpenſibly neceſſary to ſuch a diſcuſſion of the Subject as may be required of him, to inſert many things the ſubſtance of which may be found elſewhere.

The Prevalence of Duels, at preſent, is ſuch as to render the Subject intereſting to every one, whoſe ſenſibility can make him lament the Sufferings, the Errors, or the Vices of Mankind. It would be a melancholy Apprehenſion, and, we hope, not a juſt one, that the preſent Age is relapſing into that diſordered ſtate, which was experienced about two centuries ago and for a long time afterwards. The fury of this barbarous cuſtom was not at that time ſatiated with bringing diſtreſs upon a few particular Families, but

became a public Calamity, and rivalled the Horrours of a Civil War. This was more directly true of a neighbouring Kingdom; but the Contagion was caught in our own Nation, and ſpread to an alarming extent.

In the reign of James the firſt, it became an object of attention to the Government. There was, in particular, a Proſecution inſtituted againſt two perſons; againſt the one for ſending a Challenge, and the other for carrying it. In which Proſecution, the Lord Chancellor Bacon, then Attorney General, made a full and methodical Speech upon the Subject of Duels *. One Remedy propoſed by him, was Baniſhment from Court §. What good effect this might have produced, was probably never tried. A remarkable inſtance occurs, of its being neglected; that of Sir Edward Sackville, who afterwards ſucceeded to the Earldom of Dorſet. He had killed the Lord Bruce in a Duel, attended with the ſtrongeſt marks of Premeditation. Yet he was not only permitted to appear at Court, but was ſucceſſively promoted, in that reign and the following, to a great variety of Honours and public Offices of importance.

In France, the pernicious example of Francis the firſt had drawn after it the moſt fatal conſequences. Being charged with a breach of faith

* State Trials, by Mr. Hargrave; XI. 112, &c.

§ Ibid. p. 113.

by

by the Emperor Charles the fifth, he gave him the Lie in form and challenged him to ſingle combat. The difficulty of providing for two ſuch Combatants a ſufficient Security of the Field, and of adjuſting other Circumſtances, prevented the combat: —— but the miſchief of the *Example* was completed. The uſe of Duels, which, as part of the judicial proceſs, had been under the direction of the Magiſtrate, began now to prevail without the civil authority, and to take place on the moſt trivial occaſions.

The affair of Francis with Charles, happened in the year 1528. In the latter part of the ſame Century, when France was torn with the moſt violent convulſions, the rage of Duelling mixed itſelf with the Animoſity of civil and religious Parties, and contributed largely to depopulate the country. Nor was its fury abated by the ceſſation of the civil commotions: it ſeems even to have increaſed, not a little, in the reign of Henry the fourth. It has been computed * that, from his acceſſion to the year 1607, (a period of eighteen years,) no fewer than four thouſand French Gentlemen were killed in Duels.

In 1578 a Combat was fought by ſix French Noblemen, three againſt three. Two of them were killed on the ſpot, two others died of their wounds, and a fifth was ſeverely wounded. In 1600 a private Combat was fought between

* See a Note in Sully's Memoirs; for the year 1608.

twenty French and as many Flemiſh. Voltaire informs us, that the Combat of the La Frettes, four againſt four, in 1663, determined Louis the fourteenth to pardon Duelling no longer. And it is eſteemed a ſingular honour to that Monarch, that his Edicts effected what thoſe of his Predeceſſors had attempted without ſucceſs, in checking this barbarous cuſtom.

England, with other Nations of Europe, had the wiſdom to imitate the good example of France in a partial Reformation, which however was a very conſiderable one. But, till the *Principles* be eradicated, which give authority to the practice of Duelling, we muſt not hope for the intire abolition of it: nay, we have the greateſt reaſon to be apprehenſive of its gaining ground. The punctilious nicety of that Honour which the Duelliſt takes for his guide, is apt to refine itſelf perpetually by framing new Diſtinctions. If it be indeed a Virtue, or the Mark of a virtuous mind, to take Offence at every unjuſt Imputation, at every inſtance of Neglect or Contempt; a perſon *may* feel a ſtronger conſciouſneſs of Virtue, in proportion as he finds himſelf more eaſily offended. Hence every perſon of quick ſenſibility, who does not diſapprove of Duelling, will be rather inclined to *add* ſomething to the niceties of the faſhionable Honour; and no one, with whoſe principles that Honour is conſiſtent, will dare to think of retrenching its influence. Upon the

the whole, therefore, we muſt expect that, if left to itſelf, it will gather ſtrength rather than decline.

The ſcience of quarrelling was ſtudied with great accuracy, in the ſixteenth century. Lord Chancellor Bacon (in his Speech above-mentioned) takes *notice of ſome French and Italian pamphlets upon the doctrine of Duels; which, he gives us to underſtand, contained ſuch regulations as it was neceſſary for thoſe to obſerve, who profeſſed the Honour then faſhionable.

It is ſaid, that Caſes of Honour were collected with great minuteneſs, that Lies were diſtinguiſhed into thirty two different ſorts, and that the preciſe Satisfaction ſuited to each was marked out.

Compared with this, the Honour at preſent faſhionable ſhews but a moderate degree of Refinement: yet we cannot too ſtrongly guard againſt its natural tendency to multiply pernicious Subtilties, and to ſpread its influence in the World. The moſt recent Experience crowds Inſtances upon us, which afford ſtrong proof of ſuch a Tendency, and excite an anxious Curioſity after the Conſequences.

Every Attempt to place the Principles, good or bad, of human actions, in a juſt light, muſt be favoured by the wiſhes of all who wiſh well

* State Trials, XI. 113.

to Mankind. To remove a falſe Glare from a dazzling Vice, to reſtore to its ancient Luſtre a ſpecies of Virtue which lies buried in the ruſt of neglect; theſe are works which, if they could be accompliſhed, would not fail of approving themſelves to the thinking part of the World. The Author makes an attempt of this nature with the greater confidence, becauſe, if he ſhould come before the public eye, it would be under ſuch a ſanction as would relieve him from much of that Doubt, which muſt have attended his ſingle unſupported judgment.

PART

PART I.

Duelling conſidered with reference to Equity between Individuals.

"WHAT can be more equitable, than *fair* fighting? I deteſt every idea of foul play: but let the man who has done me an injury meet me upon even terms, and I am perfectly ſatisfied with this Reparation; let the man who thinks I have injured him call me out on the ſame equal footing, and I attend his call with the utmoſt readineſs."

To a perſon profeſſing theſe ſentiments, we need not be afraid of allowing, in the moſt ample degree, the odiouſneſs of Aſſaſſination, and of every unfair practice that partakes of the ſame baſe nature. We do not diſpute the ſuperiority of his principles over thoſe of the Aſſaſſin. We give, without ſcruple, a decided preference to the man who inviolably adheres to a ſyſtem of rules (however badly conſtructed) which carry any Appearance of Fairneſs, over the man who, profeſſing the ſame ſyſtem, is mean enough to take advantages which thoſe rules pronounce unfair.

But, is it enough that one's Principles are better than the very worſt which can be conceived? Is a man to be ſatisfied with the Equity of his

proceedings, becauſe he is indiſputably ſuperiour to men who know not what it is to decline an action as inequitable, but indulge themſelves in every thing which their Paſſion or Intereſt prompts them to, if they can hope to do it with Safety? He who can ſatisfy himſelf with ſo low a degree of Excellence, muſt have but little of the Ambition of Virtue within him. It were much more laudable to inquire whether his preſent rule of conduct be not capable of amendment, than to ſit down contented with a mere *comparative* merit; eſpecially where the Compariſon is made with a conduct baſe and deſpicable in the extreme.

We will therefore take the liberty of inquiring, whether even the greateſt *Fairneſs* obſerved in fighting can juſtify the Action itſelf; and how far the *even Terms* upon which men are often ſaid to meet, deſerve to be ſo called; whether, in propoſing to *do yourſelf Juſtice*, by calling a perſon out into the field, you take a Method likely to accompliſh your End; and how far, in obeying a like ſummons from another for the like purpoſe, you can be ſaid with propriety to *give him Satisfaction*; and, laſtly, if Duelling ſhould appear in other reſpects equitable, whether it can include that particular ſpecies of Equity which conſiſts in proportioning the Puniſhment to the Offence.

SECT. I.

Fairneſs in fighting; and, fighting upon even Terms.

LET us imagine one who has received a mortal wound, addreſſing himſelf to a few perſons collected about him: with his laſt breath, he ſays, "My Antagoniſt has killed me *fairly*; tell this to my Friends, tell it to the World; bear witneſs to my laſt words, when you are called upon, that I die by the hands of a man of Honour." Into what a perplexity of diſtracted feelings do theſe few dying words throw our minds? We pity; nay, we admire; but yet we blame: and, what may help to convince us that all is not right in this idea of *Fairneſs*, we feel —— before we know any thing of the merits of the caſe —— we feel our indignation riſe much higher againſt the Conqueror than againſt the Conquered; if indeed *every* harſh ſentiment towards the dying man is not intirely ſuppreſſed for the preſent, by the helpleſs condition to which we ſee him reduced. Whereas, in reality, when we have loſt the image of diſtreſs preſented to us, and return to cool reflection, we can diſcern no difference in point of blame between the Victor and the Vanquiſhed, ſetting aſide the merits of the particular

particular caſe; which may as eaſily happen to be in favour of one as of the other.

But, to come to the point. The idea of Fairneſs ſeems to be totally miſapplied, when it is in ſuch a manner joined with the idea of fighting upon private quarrels, as to ſuggeſt that this kind of fighting is juſtifiable. The true and proper idea of Fairneſs ſeems to have nothing to do with the Right or Wrong, either of fighting in general, or of fighting upon any particular cauſe of quarrel: but, the Combat itſelf being already admitted, the Fairneſs takes place in the obſervance of thoſe Regulations to which the Combat is ſubject, by expreſs Law, general Equity, or otherwiſe. Becauſe a man is ready to conform to certain rules preſcribed, in a Duel, as conſtituting fair Play, it does not follow that he lies under no reſtraint which may forbid the Duel itſelf as inequitable. Let a man be called upon by the Laws of his Country to fight a ſingle Combat, and let him do it *fairly:* in this caſe we commend him both for the fighting, and the *Manner* of it. But if, in defiance of the laws under which he lives, he attempts the life of any perſon upon a private quarrel, without other authority than his own, he has loſt one half of his commendation. Though he ſhould obſerve in the moſt honourable manner every rule of Fairneſs, we can only commend the Manner of his fighting, while we utterly reprobate

probate the fighting itſelf. (*Why* we reprobate it, we hope to make appear further in the courſe of our Obſervations on the Subject before us.)

If two maritime Powers are at War, and a Veſſel of one of the nations attacks a Veſſel of the other, making uſe of no ſtratagems, no means whatever, but ſuch as are allowed by the laws of war, the action is in all reſpects commendable. But if it fights under foreign Colours, or throws red-hot Balls into the enemy's ſhip, this muſt be *unfair*, though the attack itſelf incurs no blame. On the other hand, if the two Nations are at Peace, and a Veſſel of one attacks a Veſſel of the other, obſerving ever ſo ſtrictly the rules preſcribed to warlike operations, this Proceeding, though in one ſenſe it is to be called *fair* fighting, is totally unjuſtifiable. Whether one may chuſe to denominate this *unfair*, or to confine the ideas of fair and unfair to the *Manner* of fighting, ſeems quite immaterial. The diſtinction is real and evident between theſe two queſtions; one of which is, whether, in any particular caſe, Fighting be admiſſible and equitable; and the other, whether, in any particular Combat, the Means uſed by the Combatants, on one ſide or the other, are to be deemed fair or unfair. And therefore the Inference is intirely precluded, which ſome ſeem deſirous indirectly to draw; namely, that becauſe the *Manner* of fighting is fair and honourable,

able, the Combat itſelf muſt be juſt and equitable between man and man.

There is an account of a Duel between two French Gentlemen, of the names of Chelais and Beguin. Chelais, who gave the challenge, came to the Combat covered with a defenſive armour, (concealed, we are to underſtand, under his dreſs.) Beguin's ſword was broken in the attack; after which he was ſtabbed by Chelais, who was condemned, for this murder, to be broken upon the wheel. It cannot be doubted that Chelais deſerved puniſhment for his *Treachery*, independant of the ſimple intention to kill, which he had in common with innumerable others who have fought Duels: but it does not follow that, if he had killed his Adverſary *fairly*, as it is called, he would have deſerved no puniſhment.

But let us conſider a little, whether, with all this boaſted Fairneſs, the Combatants in a Duel can properly be ſaid in general to meet upon *even Terms*.

Two Gentlemen meet to decide a controverſy by the Sword. Both have had the education of Gentlemen, including the uſe of the Weapon. Both are men of Courage, of moderate Strength and Agility; and they differ not materially in Age. Here are ſeveral circumſtances in which they approach nearer to an equality, than would be held quite neceſſary for the purpoſe. But it ſeems

beſt

beſt to put the caſe thus ſtrongly, in order to ſhew more clearly how fallacious the pretence is, of meeting upon even Terms. There is ſtill abundant room for ſuch Differences between the two Combatants, as may leave a balance in favour of the one or the other of them, far too great to be neglected. We may even allow them both to *excel* in the uſe of the Sword: yet the Degrees of excellence are ſo various, that in this ſingle article there may ſtill remain Difference enough to conſtitute a clear Superiority.

This Superiority will be much increaſed, if it ſhould happen, as it very eaſily may, that the Perſon on whoſe ſide it lies has alſo the advantage in moſt of the *other* circumſtances which were left undetermined. A ſmall advantage in Skill, added to a ſmall one in Strength, and another ſmall one in Agility, will eaſily conſtitute together a Superiority ſufficient to deſtroy all idea of Evenneſs in the Terms. There are alſo *temporary* Diſadvantages, which might render a Perſon clearly inferiour to his Antagoniſt; though they were ſuch as would not be allowed in excuſe for declining a challenge. A ſmall degree of Indiſpoſition, not ſufficient to hinder him from going about any ordinary employment, might make his arm feeble or unſteady. A Trepidation, (intirely diſtinct from any defect of Courage,) ariſing from ſome ſecret doubts about the Rectitude of the action in which he was engaged,

engaged, might weaken every Guard, and take ſomething from the vigour of every Puſh.

Piſtols, however, are often uſed; which, it muſt be owned, bring the Combatants ſomewhat nearer to an Equality. But here too there is room for Skill: there is Advantage in a ſteady Eye and a ſteady Hand; and in the Coolneſs ariſing from a long and familiar uſe of fire-arms, which is diſtinct not only from natural Courage but from a general habit of acquired Courage. Nor ought we to overlook the different Sizes of the human body; which cauſe one man to preſent a better mark to his Antagoniſt than his Antagoniſt does to him*. *Temporary* Diſadvantages alſo are to be taken into the account, in the uſe of Piſtols as well as Swords. A very material one may ariſe from a bad Habit of Body; which will cauſe the ſame wound to be much more dangerous, as well as painful, to One, than it is to his more healthy Antagoniſt. We may add, that ſometimes a valuable and happy life, partaking of the happineſs of ſurrounding Friends, is ſtaked againſt the life of a ſolitary Being, to whom no en-

* If One is ſix feet high, and his Antagoniſt five feet, and if they are ſhaped alike, the mathematical Reader will ſee (from ſimilar figures) that the ſurface preſented by the taller is greater than that preſented by the lower, in the proportion of 36 to 25, or (nearly) 3 to 2; which makes no *ſlight* Diſadvantage.

dearing Connexions have given the true enjoyment of himſelf, and who, if he falls, falls unpitied and unlamented.

SECT. II.

Doing one's ſelf Juſtice; and giving Satisfaction to another.

WE will, however, now ſuppoſe, for the ſake of argument, that, in the ordinary practice of Duelling, men do really meet upon even Terms. Or, it will amount to the ſame, in *general* reaſonings upon the ſubject, if we ſuppoſe the advantages to fall indiſcriminately to the ſhare of the Aggreſſor and the Aggrieved; ſo that it ſhall happen equally often that they are on the ſide of him who is in the right and of him who is in the wrong. Take either of theſe ſuppoſitions; (for indeed they coincide, in abſtract argumentation, though to each Individual taken ſingly they are widely different:) and it is evident that *Chance* muſt be the Arbiter of every Duel; unleſs we either underſtand the Deity to interpoſe in behalf of the injured, or elſe that the Conſciouſneſs of a good Cauſe will be ſufficient to inſure ſucceſs.

As to the Interpoſition of the Deity, it was indeed the doctrine of the barbarous ages, when judicial

judicial Combats were in common uſe. But it ſeems now perfectly needleſs to argue that point at large: ſince it appears to be intirely agreed between the Advocates for Duelling and the Oppoſers of that practice, that there is not the leaſt foundation for an injured man to call out his Enemy upon the ſtrength of any expectation of this kind.

What ſhall we ſay then to the Conſciouſneſs of a good Cauſe? Is that ſufficient to inſure ſucceſs? Such a Conſciouſneſs moſt undoubtedly will in many caſes inſpire a man with Fortitude, and enable him to execute what he would in vain attempt if he laboured under a Conſciouſneſs of being in the wrong. But this effect has its limits; and thoſe not very widely extended. The experience of all ages and countries puts it beyond a doubt, that Vice has very often prevailed over Virtue, the Injurer over the Injured, the faithleſs Villain over the man of Veracity and Integrity.

He who would fortify himſelf in the Conſciouſneſs of a good Cauſe, ſhould be conſcious alſo of a Rectitude in the *Means* uſed by him to effect his purpoſe. In which point we apprehend that this inward ſupport muſt often fail the perſon who has recourſe to a Duel, for the Redreſs of an Injury. Indeed it has appeared evidently from a number of inſtances, that a perſon, carried away by the Tyranny of what he would call

call Honour, has ſuffered himſelf to fight, at the ſame time that in his own mind he has condemned the Cuſtom of Duelling. In ſuch a caſe, though he may know himſelf to be the injured perſon, yet how can we imagine him to receive any ſuch internal ſtrength from the Conſciouſneſs of his Cauſe, as will ſupport him in the field againſt his Antagoniſt?

Again, let us allow him to be be ever ſo firmly perſuaded of the rectitude both of his Cauſe and the Means he makes uſe of to redreſs himſelf; this will avail him nothing, if his Antagoniſt has the ſame perſuaſion on the other ſide: —— a ſuppoſition which we have no difficulty in making. The Judgement is ſo eaſily warped where Self is concerned, that it gives us not any ſurpriſe to find two perſons, who are engaged in a Quarrel with one another, perſuaded each of them that himſelf is in the right and his Adverſary in the wrong. Therefore, when they come to decide the diſpute by Combat, though one of them muſt be in the wrong, yet if each is perſuaded that he is in the right, ſuch a Perſuaſion, or (if we may ſo term it) ſuch a Conſciouſneſs of Rectitude, will be of no ſervice to either, being balanced by a like Perſuaſion or Conſciouſneſs on the other Side.

Being then arrived at this Concluſion, (which will certainly hold in general, though it may admit a few exceptions,) that the Conſciouſneſs

of a good Cauſe, in the Subject of the Quarrel, will not ſecure Victory; we return to what was before advanced, that, if men are ſuppoſed to meet upon even Terms, *Chance* is the Arbiter of the Combat. And, upon this idea, we are to inquire whether, in propoſing to *do yourſelf Juſtice*, by calling a perſon out into the field, you take a Method likely to accompliſh your End.

But, while we have been clearing the Way for the Inquiry, we have finiſhed, in effect, a principal part of it. For there ſeems no great need of words to convince any one, that if he has received an injury and is looking out for Redreſs, to apply to Chance for that Redreſs is ſomething very unlike doing himſelf Juſtice. Even if the Deciſion happen to be in his favour, he appears yet very far from having had Juſtice done to him. Juſtice, in its nature, requires to be awarded by Deſign: and the Good which comes to any man by Accident, may be ever ſo valuable, without partaking at all of the nature of Juſtice done for an Injury received.

All this might be ſaid, even if Victory could be conſidered as the Acquiſition of ſomething beneficial. But when we reflect that it is only a Harm done to another man, we may affirm that, though you ſhould effect all you can propoſe to yourſelf in a Duel, you would not be advanced a ſingle ſtep nearer to the End aimed at,

at, of doing yourſelf Juſtice. You may have inflicted great Miſchief upon your Adverſary; which moreover he had perhaps deſerved: but this has nothing in it of the *Nature* of doing yourſelf Juſtice. As far as it was Deſign, it was only expoſing yourſelf and him to equal miſchief. The *Chance* of Harm which each of you has incurred, may be conceived as equivalent to a determinate Degree of Harm actually ſuſtained, or a ſpecific Loſs which might be eſtimated: and the effect is of the ſame nature as if, in a Law-ſuit, inſtead of Damages awarded to be paid by the Defendant to the Plaintiff, it ſhould be awarded that the Plaintiff and the Defendant ſhould pay equal ſums into the public Treaſury. In ſuch a caſe as this, it would be very difficult to ſee the *Juſtice* which had been done to the Plaintiff. And if, in a proſecution for a Robbery or other Crime, the Proſecutor ſhould be condemned to the ſame Gibbet with him who had committed the crime, we ſhould not eaſily perſuade the World that this Sentence had been paſſed by a Court of *Juſtice*.

If, in this way of ſeeking Redreſs, you have no proſpect of doing yourſelf Juſtice, you can have none of giving what can properly be called *Satisfaction*, to one whom you have injured. Theſe are Counterparts to one another; and the ſame Reaſoning applies to both. Indeed, if a

Gentleman, who, upon receiving an Injury, has lodged the contents of one piſtol in the body of him who did the injury, and received thoſe of another in his own, —— if *he* chuſes to declare himſelf *ſatisfied*, we cannot deny his Affirmation: every man is the proper judge of what ſatisfies himſelf. But this we can ſafely aſſert, that he has not received any thing which in its nature contains the eſſence of a Reparation or Satisfaction.

Put the caſe, that you have reflected too freely in Converſation upon ſome one's Character. He calls upon you to give him Satisfaction. You attend his ſummons: you wound him; perhaps mortally. He kills or wounds you, or otherwiſe, as it may happen. He declares now, that he is ſatisfied. This Declaration, no doubt, we muſt admit; as expreſſing that he does not look for any thing further to be done. But he who ſhould infer, that you have given your Adverſary any true and proper Satisfaction, would be under an egregious miſtake.

There are two ways in which the Injury may have operated: one, by the ſimple diminution of your Adverſary's Character; the other by ſome *conſequential* Harm. An Inſtance of the latter might be this: if your Charge againſt him had taken ſuch effect with a Lady to whom he was attached, or with her Friends, as to defeat his hopes of a deſirable Marriage. The proper Satisfaction

tisfaction in such a case, (if we suppose you to have exceeded the truth,) would be, immediately to confess to the Lady and her Friends the injustice of your Charge, and thus to reinstate him in their Favour: or, if that precise Reparation should be gone past recovery, your business would be, to take every opportunity of promoting his Prosperity; till, if possible, you had conferred upon him an equivalent for the Injury before done to him. And, as to the mere Defamation, or, as it was called above, the simple diminution of his Character, you ought to ask his Pardon for the Offence, and to atone for it by making your Confession as public as the Accusation had become.

This behaviour contains in it evidently the real nature of a Reparation or Satisfaction. But, what there is in common between this method and the other, (in which, by way of Satisfaction to your Adversary, you attempt his life, with permission for him to attempt yours,) it is not easy to see. And if one who has had his Character aspersed, thinks that, after he has silenced his Accuser by giving or receiving a wound, he may rest satisfied, he betrays very defective notions of *Character*; which, if it be restored at all, must be restored by expedients of a different kind.

Perhaps he objects, that he has recourse to a Duel rather with a view of compelling his Ac-

cuſer to make that direct Reparation which we have been ſpeaking of, than becauſe he thinks there is any poſitive Satisfaction in the Combat itſelf. We might anſwer, that if he ſays this, he has changed his ground: we were arguing with one who declares himſelf ſatisfied, merely with having *fought*. But a further Anſwer occurs; which is, that any Conceſſions from his Accuſer, made through Compulſion or Fear, will not be adequate to the End propoſed; *Character* being of that extremely delicate nature, that nothing ſhort of a free and unconſtrained Revocation will be able completely to wipe away the Stain, and convince the World that all is as it ſhould be.

SECT. III.

Proportioning the Puniſhment to the Offence.

THE laſt part of our Inquiry, under the Head of Equity between Individuals, is whether Duelling, even if right in other reſpects, can include that particular ſpecies of Equity which conſiſts in proportioning the Puniſhment to the Offence. This is always looked for in Codes of Law: and every flagrant defect in it is loudly complained of. Now, if the practice of Duelling could be allowed to take the place of

Laws, in the remedy of any particular injuries, we ſhould at leaſt require this Equity in the Code of its regulations.

In this Code, what is the puniſhment for ſeducing your Wife from her fidelity? Death. In the ſame Code, what is the puniſhment for ſome little unfair artifice, by which you have been defrauded of a Partner at an Aſſembly? Death. It is immaterial whether the offended perſon in theſe two caſes would be conſidered as under a *Neceſſity* of fighting: it is enough, for the preſent, to obſerve that, *if* he takes this method of redreſſing himſelf, the Puniſhment inflicted, or attempted, (which is the ſame thing in the Puniſher,) is Death in both caſes. Will any one affirm that theſe two Offences are equal, that they are *nearly* equal, or that the leſs of the two is heinous enough to call for capital Puniſhment? If not, it follows that the practice of Duelling is chargeable with the want of that Equity of which we are ſpeaking. If it be urged, that neither does the *greater* of the two Offences mentioned deſerve capital Puniſhment, this ſerves but to ſhew the practice of Duelling ſtill more inequitable: which not only makes two very different Offences equal in the Puniſhment, but inflicts upon the ſmaller of them a Puniſhment too ſevere for the greater.

It will be ſaid perhaps, that Duels are often fought with a greater or leſs degree of Obſtinacy,

according to the nature of the Offence; that in ſome caſes the diſcharge of a ſingle piſtol on each ſide will be ſufficient, whilſt in others it is held neceſſary for one of the Parties to fall; and that this plainly conſtitutes a difference, and a very great one, in the Degrees of Puniſhment; ſince every greater *Chance* of Death is to be conſidered as a heavier Puniſhment, every leſs Chance as a lighter. The Anſwer to this, is, that in every Duel there is *ſome* chance of Death; and therefore that, if it actually enſues, where the Offence does not deſerve it, the perſon who has inflicted it is ſtrictly chargeable with the Excels of Puniſhment: becauſe he knew beforehand that it might happen, and yet intentionally brought his Antagoniſt into that ſituation which expoſed him to the fatal ſtroke. But does not Death ſometimes befal the injured and innocent perſon? Here the Puniſhment is ſevere beyond all Proportion: for the Sufferer has deſerved *no* Puniſhment.

It may be argued further againſt us, that it is trifling to mention *Degrees* of Puniſhment, where unavoidably, by the very nature of the thing, the higheſt Puniſhment is to be ſuffered, or a Chance of it incurred. No Inſtitution whatſoever is to be blamed for not providing what is abſolutely impoſſible, what is contradictory to the original idea and ſuppoſition upon which it was framed. Should any one chuſe to

apologize

apologize by this argument, for the Disproportion between the Offence and the Punishment, in the practice of Duelling, let him observe the force of his Apology. In order to refute one particular Charge brought against that practice, he makes use of an argument which discovers the total absurdity of the Practice itself. He shews clearly the absurdity of introducing Duels, as a mode of redressing Injuries; by shewing them incapable, from their Nature, of admitting what is indispensible in penal Laws, namely, a just Proportion between the Punishment and the Offence.

PART

PART II.

Duelling conſidered with reference to the good Order of Society.

WITHOUT entering minutely into the original Formation of Societies, we diſcern with eaſe one idea common and eſſential to them all: which is this; that the Individuals compoſing a Society are not, cannot be, at liberty to follow their own inclinations, in the ſame manner and degree as if the Society had not been formed. There *is* a public Voice, more or leſs diſtinctly heard, to which muſt be allowed *ſome* Authority in controlling the caprice of private inclination, checking the ſudden impulſes of Revenge and other miſchievous Paſſions, and regulating the actions of Individuals with a reference to public Good. Unleſs ſomething of this kind has taken place, there is in fact no Society formed; every one is merely a ſingle and ſeparate Being:——there may be a number of Individuals collected into one place, but not *aſſociated.*

Laws therefore are to be eſtabliſhed: for Laws are only the particular Reſtraints impoſed upon Individuals by the Authority of the State. In the next place, it follows of courſe that *Obedience* to the Laws is to be required: for otherwiſe the Laws were

were framed and eſtabliſhed to no purpoſe. Any one who violates the Laws, counteracts, as far as his Diſobedience extends, the Regulations by which the good Order of Society is upheld; and, in ſo doing, he counteracts, to the ſame extent, the very Inſtitution of Society itſelf.

SECT. I.

Duelling being ſuppoſed forbidden by the Laws.

SUPPOSE then that the Laws of one's Country forbid the practice of Duelling. This is the caſe in England: where, not only, if one man kills another in a Duel, the Law adjudges it to be Murder; but, the mere fighting, (at leaſt if it be in a public place,) is puniſhable by Fine and Impriſonment, though no miſchief actually enſue *; and alſo both the Sender and the Bearer of a Challenge are puniſhable in the ſame manner §. Here it is the duty of every good Citizen to abſtain from this method of redreſſing any Injuries done to him, even though he ſhould happen to think it juſtifiable in other reſpects.

Should any one contend that the Law of England is not ſo ſevere as we have ſtated it to be; inſiſting that the Law is not to be ſought for

* Blackſtone's Commentaries, B. 4. Ch. II. (p. 145. 8vo.)

§ Ibid. (p. 150.)

merely

merely in books of Theory, but alſo in the Verdicts of Juries, and that theſe Verdicts have commonly reduced the crime to Manſlaughter, if they have not intirely acquitted the perſon accuſed: it may at leaſt be maintained, that wherever the Theory of the Law is clear and expreſs: Juries exceed their powers, if they do more than determine to what deſcription, in the Theory, the Facts brought before them correſpond. The Law is clear and expreſs in its Theory, that to kill a perſon in a deliberate Duel is Murder: and, if at any time the Facts produced and proved to a Jury ſhew the death of a perſon to have been cauſed in this manner, there appears not the leaſt foundation for them to ſtep beyond their line and give a direct contradiction to the Law.

Men who are deſirous to conduct themſelves as good Citizens, and are ambitious of *deſerving* that protection, from the Laws, which they wiſh to receive and can ſubmit to accept, ought by no means to ſhelter themſelves, in doing what the Laws forbid, under the mercy of Juries who, through miſtake or otherwiſe, exceed the commiſſions intruſted to them. Perſons of Rank and Fortune, who have been found the moſt apt to offend the Laws in the point under conſideration, incur a peculiar blame in offending: both becauſe, having a greater ſhare of Property and Dignity to be protected, they are more deeply indebted

indebted than other men, for the Protection which they receive from the Laws; and again, becauſe by their Station they are qualified to ſet an example to others, and, through this example, rather to teach Juries what their Duty is and what are the Laws of their country, than to ſeek a refuge for themſelves in an erroneous Verdict. And it may not be amiſs for them to reflect whether, by this encouragement given to the maxims of illegal violence, eſpecially in Courts of Judicature, they do not run a riſk of making ſuch lawleſs principles of action deſcend among the lower orders of men, as may be productive of the moſt extenſive bad conſequences.

SECT. II.

Duelling being ſuppoſed to be not *forbidden.*

LET us now vary the ſuppoſition, and ſee what will be the part of a good Subject and Citizen, if Duels be *not* forbidden by the Laws of his Country. We hope to prove that, in this caſe alſo, he will think it his Duty to abſtain from the uſe of all ſuch Violence. For though there be no expreſs Prohibition in the Code of Law, yet there is neceſſarily an implied and virtual Prohibition in the Conſtitution of every Society.

To

To ſhew this, we muſt recur to what was ſaid in the firſt paragraph of this Second Part*: from which it appears, that if Individuals make uſe of Violence at their own pleaſure, they do what is intirely inconſiſtent with the nature of Society. The Principle (if it can be called a Principle) upon which they proceed, is directly ſubverſive of every ſocial Inſtitution: and, if we do in fact continue to enjoy the benefits of Society, notwithſtanding the prevalence of Duelling, it is becauſe the Principle is not carried to its extent, and is adopted only by a ſmall number of perſons, in every civil Community, compared with the whole Body.

If the Sword or Piſtol is to decide upon one Right, why not upon another? If it is to depend upon the Sword's point, between you and me, which of us has the better Pretenſions to this Lady, why may not the ſame mode of deciſion determine to which of us this Field or that Houſe belongs. Purſue but your Principle and be conſiſtent; and you will preſently find yourſelf involved in the moſt extravagant as well as the moſt pernicious conſequences. Whether, for inſtance, you are to command at the head of your Regiment, and I in the ranks am to diſcharge my piece at your command, or whether we muſt change places, will depend upon the Superiority

* Page 26.

of

of one of us in ſingle Combat. And while we are ſettling the Right in this manner, one of us may be killed and the other diſabled; by which means our Country will loſe the ſervice of us both. Or if you eſcape unhurt by my arm, you will be equally liable to be called upon by every Soldier in the Regiment. Your chance therefore of ſurviving will be extremely ſmall. Probably many more in ſucceſſion will fall after you: and before it be finally ſettled, who ſhall command the Regiment, there will be but a very ſmall Regiment to command.

You object that, as a *Gentleman*, you are not liable by any laws of Honour to be called upon in the manner above mentioned, by perſons ſo far your Inferiours. But your Principle, of uſing private Violence, if purſued, goes to the ſubverſion of all Society, deſtroys the Rank of Gentleman together with all other Ranks, and levels you with the loweſt of the people.

You object again, that we overlook the high Authority from which your commiſſion is immediately derived: you call it a very wild Suppoſition, to imagine that any perſon ever thought of queſtioning that Authority, and of requiring one in your ſituation to defend his Commiſſion by the teſt of perſonal merit. In return, you muſt be reminded that we are now tracing the Conſequences of your Principle, which permits the uſe of private force to Individuals. The Principle,

purſued

purſued to its extent, will lead us on to this moſt extravagant length, that even the exalted Rank of Majeſty will not be able to protect itſelf as the Good of Society requires; but that the very Exerciſe of royal Authority which placed you in your ſtation, as well as every other Exerciſe of it, will fall into a precarious dependance on ſuch qualities as perſonal courage, bodily ſtrength, agility, and expertneſs in the uſe of weapons.

In ſhort, there is an end of Government; there is an end of Society: and from no other Cauſe than the conſiſtent Extenſion of that Principle, which is ſupported, within certain arbitrary limits, by many who would pronounce it inadmiſſible, if puſhed as far as juſt reaſoning would extend it. The caſe is different with other Vices. Gaming, for inſtance, though highly pernicious in its effects, does not diſſolve the bands of Society. An unreſtrained commerce between the Sexes, though replete with Inconveniences, and deſtructive of Happineſs, does not neceſſarily diſqualify perſons from being Members of a civil Community. Nor is this effect produced even by the baſe and deteſtable arts of Diſhoneſty: even the great crimes of Forgery and Perjury, either by acting under ſome Cover of Law, or by uſing ſome Artifice to evade the Law, confeſs evidently its Power and authority, and ſeem as if they could not be carried to ſuch a length as to annihilate all civil connexions. But the uſe of

private

private Force by Individuals tends *directly* to the diſſolution of Society: and would actually produce this dreadful effect, did not the Paſſions and Intereſts of men, which take place in the various ſcenes of life, counteract its operations and confine it within ſome limits.

But it is time to quit this general argument. We will ſubjoin a few particular Obſervations, which may ſhew further how repugnant the practice of Duelling is to the good Order of Society.

SECT. III.

Further Obſervations.

AN Injury, is either one for which the Law has aſſigned a Remedy, or not. If the Law has aſſigned a Remedy for it; to reject the preſcribed mode and ſeek redreſs by private Force, argues a contempt of the Law and the Legiſlative Power. It implies that one thinks the Legiſlature has provided only an inadequate Remedy; and that one looks upon this as a ſufficient excuſe for providing a Remedy of one's own. Or elſe it implies that, from mere Caprice, without deigning to pay the leaſt attention to that legiſlative Authority which gives daily protection to our Perſons and Property, we chuſe

to assume (in our own Cause) the several capacities of Legislator, Judge, Witness, and Executioner.

If the Law has *not* assigned a Remedy for the Injury, it is then natural for the injured person to consider how he may provide one. And in fact this is frequently done by Individuals; who, in the smaller and more private concerns of life, provide Remedies of various kinds, suited to the occasions which call for them. But it ought to be done always with submission to the supreme Power of the State. Now, with regard to Duelling, the question is, whether that supreme Power can ever be supposed to intend a permission, that Individuals should punish *capitally* an offence for which it has not itself assigned any punishment at all. If not, then, to punish such an offence capitally, which is either done or attempted in every Duel fought on account of such an offence,) is to insult the Law, as in the former case, and to shew a very indecent contempt for the Legislative Power.

In the next place, it is repugnant to the good Order of Society, that the offending person and the offended should be equally exposed to the punishment inflicted for the offence. How inequitable this is in respect of the *Individuals* themselves, fell under the subject of the preceding Part; but we ought also to recollect the Interest

which the *Society* at large takes in the Lives of all its Members, and the Protection it holds forth to every good Citizen: If the Offender prevail over the Offended, and take away his life, there is a violation of civil Juſtice, not only in the Puniſhment inflicted on him to whom a Reparation ought rather to have been awarded, but alſo in the Eſcape of him who had deſerved a Puniſhment. And every Duel which terminates in this event, is equivalent to too unjuſt Sentences in a Court of Judicature; one of which acquits a guilty perſon, and the other condemns an innocent one.

We need not fear any argument to be drawn from the uſe which has been made of ſingle Combat in the forms of Juſtice. The Abſurdity of ſuch a practice, uſed as a Mode of Trial, is now univerſally confeſſed. It is indeed ſo glaring, that even the Barbariſm of the Ages in which this cuſtom prevailed, is not enough to account for a direct introduction of it. But the Simplicity and Inexperience of thoſe Ages render it, in the firſt place, ſufficiently probable that a perſon, accuſed of any crime, might be allowed to clear himſelf of it by a public and ſolemn Oath; as it might originally appear incredible that a perſon in ſuch a ſituation durſt venture to perjure himſelf. The contrary of this becoming evident from repeated experience, it *then* ſeems not un-

natural for barbarous Nations, familiar with violence and private revenge, and governed by superſtitious notions, to adopt the judicial Combat as a Remedy for the repeated and notorious Perjuries of Criminals. And it appears not at all improbable that a judicial Combat might frequently be regarded both by the Spectators and the Combatants, rather as an exhibition of Gladiators, a Competition of Strength, of Skill, and of Courage, than as a mode of deciding a Right or bringing a Criminal to Puniſhment: an idea which would tend ſtrongly to conceal the Abſurdity of the practice from thoſe who made uſe of it. It would be trifling with the Reader's patience, to dwell upon a point ſo evident as the Impropriety of this antiquated mode of Trial. We have only to obſerve, that the total and long diſuſe of it in England, where the laws reſpecting it have never been formally repealed, ſhews how repugnant it is to the common ſenſe of Mankind.

But however glaring may be the Abſurdity of the judicial Combats, and whatever plauſible arguments may be produced by ingenious men, to reconcile us to the common practice of private Duelling, when thoſe Combats are exploded; yet at leaſt no one will deny that, in the particular light in which we are juſt now viewing our ſubject, they may claim the preference. They were permitted; the private Duels are forbidden:

thoſe

thoſe were even appointed by Law; theſe are not only contrary to particular Laws, but tend to the ſubverſion of all Law whatſoever.

We return then to our Obſervations upon private and unauthoriſed Duels, as the proper ſubject of our diſquiſition: and ſhall purpoſely avoid clogging the Obſervations, as they ariſe, with remarking upon every one of them how far it might be applied to the judicial Combat.

Beſides the impropriety of expoſing the offended perſon to the puniſhment which in its original idea muſt be deſigned for the Offender alone; it is plainly inconſiſtent with the good Order of Society, that *two* Perſons ſhould be expoſed for *one* Offence. The Puniſhment, taken in this view, is exceſſive in Degree. Indeed it has not often happened that the event has proved fatal to both Parties; as it did in the caſe of the Duke of Hamilton and Lord Mohun, in the year 1712; the latter of whom died on the ſpot, and the former as he was conveyed to his carriage. It has been however no very uncommon caſe, that one of the Parties has been killed and the other ſeverely wounded. The inſtance, in 1613, of Lord Bruce and Sir Edward Sackville, is remarkable in this as well as in other reſpects: and there are inſtances of later date. But inſtances in which both Parties have been wound-

ed, are very common. In which caſe it may eaſily happen that the Puniſhment ſhall be *exceſſive*, and on that ſingle account to be rejected in Society, though it were admiſſible on other accounts.

This Exceſs of puniſhment in ſome inſtances, will not be corrected by a Defect in others: which happens (for example) when both Parties eſcape unhurt; unleſs we ſuppoſe neither of them in any degree culpable. It would be a very weak juſtification of the Civil Power in any Country, to ſay, that though it was too rigorous in its puniſhments in ſome inſtances, it was too mild, or inflicted no puniſhment at all, in others; and that, in the whole, it inflicted preciſely ſuch a quantity of puniſhment upon the Subjects of the State, as was due to their Guilt in the Aggregate. It is the Duty of the Civil Power, as it is the Intereſt of the Society at large, that upon every ſeparate Offence the proper degree of Puniſhment ſhould be inflicted. Rigour, or a too great Lenity, in one Inſtance, (if it be any argument on either ſide of the queſtion,) would rather tend to juſtify the like Rigour or Lenity in other Inſtances. By the ſame way of reaſoning, we try any Inſtitution or Cuſtom which ſets itſelf up in the place of the Civil Power; as, the practice of Duelling. In which, the prodigious Inequality of Puniſhments eventually in-

flicted

flicted for equal Offences, is a manifeſt and flagrant violation of the good Order of Society.

The next Particular that occurs under this Head, is the great Difference in perſonal Merit and other Circumſtances, which ſometimes appears between the Combatants. The Differences that call directly for our notice here, are thoſe which make a man more or leſs valuable to the civil Community. You are upon an equal footing (we muſt ſuppoſe) with your Antagoniſt, while you are conſidered merely as one Gentleman oppoſed to another: but this leaves room for great Inequalities. *You* perhaps have a Fortune which gives you an Influence over the Happineſs of hundreds of your Fellow-ſubjects: whilſt *his* Income barely enables him to aſſociate with Gentlemen, and his Death would ſcarcely find a Dependant to bewail it. *You* have been bleſſed by Nature with Abilities which are a foundation for every ſpecies of merit, and a happy Education has built upon them the moſt uſeful as well as the moſt ſplendid Accompliſhments: *he* has received originally a Capacity ſuited merely to ordinary life, and this too has but been cultivated with moderate attention. Your Experience and Virtues, joined to ſuch Accompliſhments, qualify you moſt eminently to give advice to your King, to preſide over the Finances of your Country, or to ſerve the Public in other Depart-

ments of the firſt Importance: *his* indolent and unvaried life has left his mind unfurniſhed with Knowledge, his Faculties for want of exerciſe are feeble and torpid, and the conſciouſneſs of an uſeleſs exiſtence has weakened every ſentiment of Virtue within him. If there be a Law (called a Law of Honour or by any other name) which would oblige you to ſtake your life againſt the life of ſuch a man, under an idea of your being upon an equal footing with him; is there any Propriety diſcernible in ſuch a Law? Does it appear to have been dictated with any regard to the Peace of Society; to that Order and Harmony which are eſſential to its Proſperity?

We might have made the Inequality much greater, without tranſgreſſing the bounds of Probability. For we might have ſuppoſed him abandoned in his Principles, and diſgraced with every Vice which does not exclude a perſon from the ſociety of Gentlemen. But we have refrained from making ſuch a ſuppoſition, becauſe it was by no means neceſſary to our Concluſion.

Force is the laſt Appeal of Sovereign Princes, who acknowledge no Superiour upon earth. He who takes upon him to decide his private quarrels by private Force, puts himſelf in the place of an independant Sovereign. To be conſiſtent, he ought to reſign the privileges which he enjoys by his dependant ſtate in Society. If all ſhould

effectually

effectually reſign them, who claim the privilege of ſettling their diſputes by the Sword or Piſtol, we ſhould have a croud of independant Sovereigns, without Subjects indeed, and moreover in want of what are uſually reckoned the mere Neceſſaries of life. But where muſt they exiſt? Having given up all claim to Protection from the civil Power, and declared themſelves openly in favour of Force, they could no longer remain in the civilized parts of the world, with ſafety to themſelves or others. They muſt retire to the Woods and uncultivated Mountains: where, as Sovereigns, they might command their own Actions; as Gentlemen, they might live free from the ignominious Tyranny of Laws; and, as Savages, they might range in the deſerts for their daily food, till they ſhould die a *natural* death, by Famine, by wild Beaſts, or by the hands of each other.

If a man wiſhes to be a Member of Society, let him accept the Advantages of that dependant ſtate: but he muſt conform alſo to its Regulations. If he wiſhes rather to be an independant unconnected Being, let him renounce at once the benefits of Society, and boldly reſt his Protection and his Happineſs on his own ſingle arm. But let him not imagine that any Community can be willing to afford him at the ſame time the privileges of the ſocial ſtate and the independant one. And, though *in practice* he ſhould find them

them in ſome degree reconcileable, he is not thence to conclude that the Community of which he is a Member gives a tacit approbation to his conduct. He needs only to reflect that the Vices of the many, ſeconded by the general Imperfection of human affairs, are able, in oppoſition to the Virtues of the few and the beſt Laws (hitherto formed), to eſtabliſh cuſtoms which cannot have our approbation, and which *in theory* are totally incompatible with the Regulations of ſocial life.

The queſtion, in ſhort, is this; whether the advantages (whatever they may be), ariſing from the practice of Duelling, are greater than thoſe reſulting from Society. If they are, no objection remains, from *this* Topic, to the full eſtabliſhment of that practice. Let it deſcend to all ranks of men, and take place in the deciſion of all Rights and the Reparation of all Injuries. But if not, let it be aboliſhed wholly and without exception; not merely on account of the partial Miſchief experienced from that degree of it which actually prevails, but alſo as it involves Principles deſtructive of all good Order and even of all Society.

PART

PART III.

Duelling conſidered with reference to Courage.

COURAGE is a Power of the Mind which ſupports us under a ſenſe of Danger. When it is ſpoken of as a Virtue, it means that Power exerted in ſuch a manner as to merit Approbation. But it is frequently ſpoken of more largely, ſo as to denote that Power exerted in any manner whatſoever, or even without Exertion, conceived as latent and habitual in the Mind.

It merits Approbation when it enables us to encounter a ſmaller immediate Danger, in order to avoid a greater which is at ſome diſtance: as in facing a wild Beaſt which there is a greater probability of terrifying by an undaunted behaviour, than of eſcaping by Flight; or, in oppoſing a body of Pirates in their attempt to land upon the coaſt, who, if not repelled by a timely oppoſition, would ſoon render themſelves more formidable. There are alſo other Cauſes for meeting danger, beſides the purpoſe of avoiding greater danger in future, which will ſtamp a Merit upon our Courage. Inſtances of a more exalted kind, are, when we voluntarily expoſe

ourſelves

ourſelves in order to protect the innocent, to relieve a Friend, to ſerve our Country.

But in many caſes it merits no Approbation, —— is no Virtue. Whether in theſe caſes it is properly termed Courage, ſeems to be only a verbal diſpute; into which we need not enter. To encounter danger in mere Frolic, or for a trifling ſum of money which has been imprudently or cruelly propoſed to draw in the unwary, is no virtuous exertion of Courage. He who ſhould advance with the firmeſt Intrepidity towards a Bomb ready to burſt, in order to extinguiſh it, in a caſe where no harm could follow from the Exploſion, would ſhew a blameable and ridiculous Courage: though the man who ſhould attempt it with any proſpect of ſucceſs, in order to ſave the lives of numbers placed within reach of the deſtruction, would claim and extort our higheſt applauſe.

The Courage of the Highwayman finds no advocates; unleſs it be under cover of this diſtinction, that the Courage taken in the moſt abſtracted way of conceiving it muſt be commendable, though the Robbery which it enables a man to execute contains a high degree of guilt. Perhaps we need not be ſolicitous to refute ſuch a poſition; ſo long as we ſee thus clearly on what Ground the Approbation is given. Yet it does not appear how any Quality can claim our Approbation otherwiſe than in its

Exertion

Exertion or its Acquiſition. Setting theſe aſide, and taking it as a mere Habit or Power, we have no encomium to paſs upon it but what may be with equal juſtice beſtowed upon a well-ſhaped leg or a fine ſet of teeth. As for the *Exertion* of a Highwayman's Courage, that is evidently culpable. And as for its *Acquiſition*, he has no reaſon to expect from us any favourable conjectures on that head: ſo much of his Courage as is not the pure gift of Nature, has probably been acquired without the exerciſe of much Virtue.

The expoſing of one's ſelf to Danger, therefore, is not always, and of itſelf, laudable. Much leſs will Courage render the whole of an action laudable, or even juſtify it as admiſſible, by being one amongſt a number of motives which impel a man to it. To fight a Duel, requires undoubtedly a degree of Courage, —— in *one* ſenſe of the word; and Courage, in another ſenſe of the word, is certainly a Virtue: but we muſt not confound theſe two ſenſes. Before the action of fighting a Duel can be approved or admitted, the Duelliſt muſt ſhew us that at leaſt there is nothing wrong or forbidden in it; before we allow his Courage to be a Virtue, he muſt convince us that it is employed to a good purpoſe.

"But is there no ſuch thing as an erroneous Virtue? If ſome Error mixes itſelf with my Generoſity, my Compaſſion, or the exereiſe of a civil

a civil Authority committed to me, am I therefore not generous or compaſſionate? Have I *no* merit as a ſupporter of Juſtice and public Peace?" No doubt, you may claim a degree of praiſe, notwithſtanding the mixture of Error. But if it is on this ground that you defend the Courage which is exerted in a Duel, the diſpute between us quickly comes to an iſſue. You acknowledge your Error: but your Excuſe, however good for what is paſt, cannot ſtand as a plea for tranſgreſſing in future. Nor can it avail any perſons except thoſe whoſe Judgment, like your own, has been miſled; and that only till they have an opportunity of diſcovering their Miſtake.

There are ſome actions of ſuch a nature, that they require a degree of Courage in the execution, and conſequently the declining of them may proceed from Cowardice; but nevertheleſs it *may* proceed from Courage, and that of a higher kind. A number of riotous perſons, bent on ſome unlawful purpoſe, meet a couple of Paſſengers, and deſire their aſſiſtance in the execution of the projected miſchief. One of the Paſſengers, aware of no danger beſides that which attends the proſecution of this unlawful deſign, dares not engage in it, but declines through Cowardice. His Companion is ſenſible of another danger, which is immediate and perhaps greater,

greater, from the fury of the Croud, if he refuſes to comply; and yet, under a ſenſe of his Duty, he has the Courage to refuſe. They act alike in the refuſing; but one of them is a Coward, the other a Hero. The Rioters proceed to threats and violence: the Coward is ſeized, and, being now made ſenſible of his immediate danger from the Multitude, is impelled by the greater Fear; is impelled by his Cowardice to the commiſſion of thoſe crimes which he had not Courage to undertake.

There is another inſtance in Suicide. It requires ſome Courage without doubt, at leaſt in moſt ſituations, for a man to deſtroy himſelf. It may happen therefore that he is reſtrained from it by nothing better than Fear and Cowardice. On the contrary it may be that, although he expects in the remaining part of his life Miſery worſe than many Deaths, he ſhall yet have the Courage to await that Miſery rather than in ſuch a manner to make his eſcape from it.

Thus it is in Duelling. One man has no ſcruples, or is ready to ſuppreſs every ſcruple that riſes, about ſending or accepting a Challenge: he even wiſhes to do one or the other, for the ſake of his Reputation and Reception in the World; but he has not the Courage to fight. Another has not only the Courage requiſite for fighting, but, if no other objection appeared

than

than the mere Danger to himſelf of loſing his Life or ſuffering Pain from a Wound, would prefer it without heſitation to the conſequences of refuſing a Challenge: and yet, from a full conviction of the abſurdity and guilt of Duels, he has the Courage to refuſe. He is fully aware of ſome difficulties into which his conduct may bring him: he may be expoſed to the Inſults of ſome whom Fear alone uſually reſtrains from offering Inſults, and (what affects him more ſenſibly) the Contempt of others whoſe good opinion he values, though he is ſatisfied that their judgment in this point is erroneous. He dreads as ſtrongly as any man the keen reproach of Cowardice; but, conſcious that it will be unmerited, and aware that he cannot avoid it otherwiſe than by the commiſſion of what he eſteems a Crime, he derives hence an invincible Courage; which enables him to encounter even *this* Danger, though to his eye it appears more formidable than the arms of a whole battalion levelled at his breaſt.

If this then is evident, that Courage *may* be a man's principle in refuſing a Challenge, it is plain that Cowardice *may* be his motive in ſending or accepting one. Therefore he who concludes that by fighting a Duel he ſhall be certain to wipe off or prevent an imputation of Cowardice, makes a concluſion which we cannot grant him. If we know, or have reaſon to believe,

lieve, that he fights without a ſufficient perſuaſion of being free from blame in what he does, —— perhaps under a full conviction of its guilt, —— it is natural to inquire what may be the motive which thus overcomes his ſenſe of right and wrong. If this ſhould be diſcovered to be the Fear of Diſgrace, (which is probably one of the moſt common motives,) he is ſo far from having evinced his claim to Courage, by the action in which he has engaged for that purpoſe, that this very action proves him deficient in Courage: for it proves that he has not *dared* to aſſert his natural right of acting agreeably to the perſuaſion of his own mind, but has ſuffered himſelf to be driven by *Fear* into the commiſſion of what he diſapproves.

The Duelliſt may urge, that, to arm a man againſt Contempt, Inſult, and Deriſion there is required a degree of *paſſive* Courage, greater than can be expected in ordinary minds; but that *every* man ſhould be expected to poſſeſs the Courage requiſite for fighting a Duel when he is called upon. We may allow him to plead this as an *Extenuation* of his blame: for ſuch is every Difficulty attending the practice of Virtue. But at the ſame time it confirms what has juſt been advanced; as it is a confeſſion that his Courage is only of an inferiour kind, and muſt yield the palm to that Fortitude which enables a

man, fearleſs of all conſequences, to brave the terrors of unmerited Reproach and Infamy.

This is not a Fortitude merely in Idea. There have been many inſtances of men who have put up an Affront or declined a Challenge, who have yet been men of undoubted Courage. We need not inſiſt upon the common practice of the Ancients, who found it intirely unneceſſary to admit the uſage of private Duels: much leſs have we occaſion to reſt upon a few particular Inſtances amongſt them; ſuch as that of the Roman Emperor Auguſtus, who (before he was Emperor) refuſed to gratify Mark Anthony in his requeſt of a ſingle Combat. There have not been wanting Inſtances in modern times; which are more to the purpoſe, becauſe in direct oppoſition to a prevalent Cuſtom. For theſe, we muſt refer every one to his own memory and the ordinary channels of information. But it may be worth remarking that, in the beginning of the laſt century, when Duelling was at its height in France as well as England, the Duke de Sully, prime Miniſter of France, and who, though beſt known in that capacity, had alſo ſignalized himſelf by his military Valour, was not afraid to oppoſe himſelf in the moſt open manner againſt the prevalence of that ſanguinary practice: which he did both by

by addreſſing himſelf particularly to Individuals*, and by procuring Edicts§ from the throne.

The Courage required for fighting a Duel, when a perſon is prompted by Revenge or ſome other motives, is of ſo low a kind, that we are ſurpriſed to find men anxious about preſerving the Reputation of it. Perſonal Bravery ſtrikes the vulgar apprehenſion, and captivates the judgment of the thoughtleſs; but, with men of reflexion and experience, it never gives the idea of elevated merit to a character in which it is the leading quality. That it is very common, is evident from the Dangers ſo frequently encountered by men taken from the ordinary occupations of life, and from the loweſt of the people; men who cannot be ſuppoſed to act under the influence of a nice ſenſe of Honour. Such are the private ſoldiers of an army.

There is not the leaſt difficulty in finding men qualified, in *this* reſpect, to fill the moſt eminent and perilous ſituations. But when that cool, uniform, perſevering Fortitude is required, the exerciſe of which lies in ſurmounting a ſeries of ſucceſſive Difficulties; in ſtemming a Torrent of Faction; in maintaining uſeful Diſcipline amongſt Inferiours; in bearing the tacit Sullenneſs or open Reproaches of Friends and De-

* See his Memoirs; for the year 1605.

§ Ibid.; for 1602, and 1609.

pendants, for whoſe Good you are exerting yourſelf, but who are offended by ſome unfavourable appearance which the preſent circumſtances forbid you to explain; or, laſtly, in ſupporting an honourable conduct in public life, under the diſadvantages of miſconception, wilful miſinterpretation, and party oppoſition: — when the Courage for theſe and the like actions is called for, it may require a long ſearch before we meet with a perſon poſſeſſed of ſuch a qualification. Kings have behaved in the moſt undaunted manner in the Field, who have ſhewn themſelves puſillanimous in the Cloſet: abroad they have expoſed their perſons along with the meaneſt of their Subjects, though at home they have not dared to ſuppreſs the inſolence of a favourite Miniſter, or to bear up againſt the threats of a Woman.

The Inference is, that men ought not to value themſelves ſo highly as they are apt to do, upon that Courage which a Duel can prove them to be poſſeſſed of; and that there is really a greater degree of comparative Merit, than is uſually allowed, in the Courage which diſcovers itſelf on thoſe other more important and more noble occaſions.

PART IV.

Duelling conſidered with reference to Magnanimity.

FROM Courage we riſe a ſtep higher to Magnanimity. There are many perſons in the world, who have the Strength of mind to encounter Danger: there are but few who have the Greatneſs of mind to deſpiſe it; —— to look down with contempt upon the Terrors of life as well as its Allurements.

The Diſplay of this Greatneſs is principally ſeen in thoſe ſituations which are the moſt intereſting; where Life itſelf is hazarded, or the higheſt Concerns of life are in agitation. Thus, in a Duel, there is frequently room for the exerciſe of this and other qualities which have an affinity with it; Generoſity, a punctilious Fairneſs in obſerving the rules of combat, and a Tenderneſs over a vanquiſhed and wounded Enemy. Theſe have been eminently diſplayed, in ſome inſtances of Duels; and, in the narration, they carry us back for a moment to the times of romantic Chivalry, when every good quality of the human heart was ſuppoſed to be connected with military Proweſs.

But we muſt not ſuffer ourſelves to be led

away by a few enchanting ideas, into any ſuch concluſions as the following: that what has given an opportunity to ſome men for exerciſing thoſe great and noble qualities, will argue the ſame to exiſt in all who have the ſame opportunity; or that the very perſons who have ſhewed in a Duel that they are poſſeſſed of ſuch virtues, are, by the exertion of them, juſtified in the action itſelf of fighting; or laſtly, that they are *therefore* to be accounted magnanimous, punctilious in every nicety of fair conduct, generous, and tender-hearted, *becauſe* they have fought. If concluſions like theſe be admitted, we ſhall find no difficulty in juſtifying the lawleſs Invaders of the moſt ſacred rights, or in proving the Perpetrators of the blackeſt crimes, to be, *as ſuch*, in the number of amiable and reſpectable characters.

The queſtion then of the Right or Wrong of Duelling is left wholly undecided, while we allow that great and heroic qualities have ſometimes been diſplayed by the Combatants, in the previous circumſtances, in the Combat itſelf, or in the behaviour immediately ſubſequent. Which gives us full liberty to inquire a little more particularly into the nature of Magnanimity; in order to ſee how far it can be conceived to enter into the action of fighting a Duel.

Magnanimity is ſeen in overlooking ſome things as Trifles, which affect many perſons as Evils

Evils deſerving their ſerious regard. Whether they proceed from Accident, from the Inattention of the careleſs, from the rude Impertinence of an Inferiour, or the mean Pride of a Superiour, the great Mind looks down upon them with a cool neglect which diſarms them of all power to hurt him. We would not be underſtood to recommend a total Inſenſibility under deſigned Affronts: but there are certainly many Appearances of this kind, which it is more manly and noble to paſs by without any notice at all. Sometimes what has the Appearance of an intended Affront, is in reality purely accidental; at other times it is owing to nothing worſe than Inadvertence; and even when deſigned, it may have ſome excuſe from the heat of Paſſion, from Miſapprehenſion, or wrong Information. Nay, where none of theſe can be urged in excuſe for it, ſtill there is often ſo low a degree of bad Intention, ſo little Virulence, exiſting in the mind of the perſon offending, that, if the offended perſon could but look in the other's breaſt without the intervention of any deceitful medium, he would be ſurpriſed to find how ſmall the object was which had formed ſo large a picture upon his imagination. Now it is a property of this Greatneſs of Soul which we are contemplating, that it enables a man to enter ſimply and with eaſe into the Feelings and Paſſions of

others, without diſcovering any thing worſe in thoſe Paſſions when directed againſt himſelf than when directed againſt an indifferent perſon. By his enlarged conception he comprehends the whole of Mankind in one view, and ſees himſelf only as a ſingle Individual among that vaſt multitude.

How will the captious and quarrelſome bear the teſt of a compariſon with this character? Does any one pride himſelf upon the Maxim, of never putting up an Afront? It is not the Maxim of a great Mind. What is a ſingle perſon, that he muſt require all others in every ſituation, in the eagerneſs of Buſineſs, in the career of Pleaſure, in the abſent moment of diſtracting Care, in the dejected ſeaſon of Grief and Melancholy, to be always ſo guarded and ſo attentive to *him*, as to be guilty of nothing which can be conſtrued into an Affront? A tranſgreſſion of Etiquette, a haughty Look, a particular Emphaſis in pronouncing words otherwiſe harmleſs, are offences againſt the Majeſty of a ſelf-important Being, ſuch as cannot be paſſed over unnoticed. They muſt either be immediately expiated with blood; or, if ſome of the ſlighteſt kind are not judged to require ſo ſevere an atonement, they are at leaſt carefully regiſtred in the memory, that, if further occaſion offers, they may be brought to

account*. And when a perſon has been ſo unhappy as to irritate a captious man, by a number of theſe minute offences which are ſcarcely capable of being eſtimated or deſcribed; it is ſometimes thought neceſſary by the offended perſon to put a direct and unequivocal affront upon the original Offender, for the mere purpoſe of bringing matters to extremities.

Where is the Magnanimity of all this minuteneſs and preciſion, in exacting whatever a man thinks to be due to him? Though we ſhould allow that he does not exact any thing more than what in ſtrictneſs is his due; yet, to act upon ſuch a ſyſtem as this, is to forget the univerſal Imperfection of every thing human, and to ſet up one's *Self* as an object to which the World is required to pay an attention greater than it pays, or can be expected to pay, to the generality of Individuals.

But let us now imagine a great and ſubſtantial Injury offered; ſuch that no man can be ſuppoſed inſenſible of it without a reproach upon his feelings, and ſuch as both the ſafety of the Individual and the good of the Public require to be

* Lord Bacon ſays, "Nay, I hear there be ſome counſel learned of duels, that tell young men when they are beforehand, and when they are otherwiſe, and thereby incenſe and incite them to the duel, and make an art of it." State Trials, by Mr. Hargrave; XI. 114.

puniſhed,

puniſhed, in order to prevent a Repetition of it. That Duelling is totally improper as the means of Reparation or Puniſhment, with reſpect both to the Individual and the Public, we have attempted to ſhew in the firſt and ſecond Parts of this Diſſertation. Therefore the only inquiry here is, how far it is agreeable to true Greatneſs of Mind, to fight a Duel from the mere impulſe of Reſentment, diſtinct from all rational views of Reparation or an equitable and uſeful Puniſhment.

Reſentment, thus ſeparated from every good motive, is no other than the mere ſpirit of *Revenge*: which is intirely the vice of a little mind, and a direct contraſt to that Generoſity of Sympathy which prompts us to rejoice in the Happineſs of others, and to weep over their Diſtreſs. Revenge may ſuit the confined and abject notions of a Savage, who lives in a ſtate of perpetual war with Men and Brutes, and whoſe higheſt ideas of happineſs and glory riſe not higher than to Victory over an enemy. But a civilized Education teaches men, with the abſurd exception only of thoſe caſes in which the reputed point of Honour is concerned, to ſuppreſs every Indication of this Paſſion, to lay aſide all Ferocity of manners, to ſhew a forwardneſs in conferring Favours and an abhorrence of committing an Injury, nay even to expreſs a conſtant Attention

to

to the Intereſts and the Feelings of others, ſtudious at the ſame time to betray no Anxiety about their own. And it is aſtoniſhing to ſee men who in their ordinary behaviour demonſtrate a great and generous turn of mind, recurring ſuddenly, for a ſingle purpoſe, for a ſingle action, to the mean and contemptible principles of the untutored Barbarian.

PART

PART V.

Duelling conſidered with reference to Virtue in general.

SECT. I.

Of a Balance between different Virtues.

IT happens very frequently that different Virtues counteract each other in their operation. Generoſity to a perſon in diſtreſs, oppoſes itſelf to the provident care which you owe to your family. Time employed upon one good purpoſe, is taken from another: you cannot, in moſt inſtances, give yourſelf up, at the ſame time, to the ſervice of your Friend and your Country. The Regularity of martial, of parental, of ſcholaſtic Diſcipline, cannot always be maintained without ſtifling ſome emotions which ariſe from the ſocial and natural affections.

In all theſe caſes, the higheſt perfection to which the moſt virtuous character can reach, is to make a juſt Balance between the contending Virtues. Or, if the very idea of *contending Virtues*, the very ſuppoſition of *any* Virtue being obliged to give way, ſhould be offenſive; we may ſay, that where any two Actions (or Principles

ciples of Action) interfere, each of which is virtuous ſeparately taken, the one which upon the whole is better omitted, ceaſes to be a Virtue. Whether we ſpeak of *Virtues* claſhing with each other, or of Actions ſeparately virtuous, but one of them ceaſing to be ſuch by their Interference; —— in which of theſe two ways we ſhall expreſs ourſelves, ſeems rather a matter of verbal propriety than the foundation of an eſſential diſtinction; for which reaſon, we ſhall not inſiſt upon the one or the other of them.

Let it be allowed for the preſent, notwithſtanding what has been already advanced, that the Virtue of Courage ſhines in its full luſtre in a Duel, and that there is even a degree of Magnanimity implied in it: ſtill there is a regard due to other Virtues. You ſhall rank, in Courage, with the greateſt Hero of Antiquity, or the moſt renowned Knight of Romance: yet if you indulge this Virtue at the expenſe of Juſtice, Humanity, Compaſſion, Benevolence, a Regard for the Peace of Society and the Laws of your Country; you act like the Prince who overlooks all his Subjects except a ſingle Favourite, and, becauſe he knows that Favourite to have *ſome* merit, thinks he cannot value or reward his merit too highly, though to the injury of many worthy Competitors.

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Is it nothing to alledge, to the ardour of that Courage which impels you into the field, that the offence you have received is ſo ſlight as cannot, without an affront to every principle of Juſtice and Equity, be puniſhed with Death? Though you ſhould have been more grievouſly offended, may you not plead with this impetuous Virtue, that the act to which it prompts you is forbidden by all Laws divine and human, except a peculiar Code which has obtained the title of, the Laws of Honour? Might you not, without offence to this arrogant Favourite, urge that you are a *Man*; and that, as a Man, you cannot diveſt yourſelf of the feelings of humanity for an amiable Woman and a family of tender Infants, the Wife and Children of your Friend, of whoſe happineſs within his domeſtic circle but yeſterday you were both a witneſs and a partaker, and whom to-morrow (at the inſtigation of this Favourite) you purpoſe to ſend to his Grave, followed by a deſolate Widow and helpleſs Orphans? Should this domineering Principle ſtimulate you to decide by Combat a point of Rivalſhip in Love, might you not ſuggeſt, that it would be a higher mark of Reſpect to the Lady, to reſt the deciſion upon her Choice; and that by a victory you could demonſtrate only ſuch qualities, that ſhe who ſhould make her choice from them alone, to the intire excluſion

of

of all others, would not be an object worthy of your purſuit?

Again; there is a kind of *Gradation* obſervable among the different Virtues. Thoſe which raiſe us but little above the excellence of Brutes, or bear a ſtrong reſemblance to qualities of which they are found to be poſſeſſed, appear naturally in a lower rank than thoſe which exalt man into a compariſon with Beings ſuperiour to him. And even Virtues which paſs under one and the ſame name, will yet, as exerted on different objects and in different ſituations, belong to different ranks in the ſcale of excellence.

The Generoſity which always gives money to the firſt object that preſents itſelf, without regard to proportions or circumſtances, cannot be placed on a level with that public virtue which, like a ſuperintending Providence, (as far as its knowledge reaches,) has an eye in every action to the good of all. Courage, in general, is naturally inferiour to a humane and benevolent Diſpoſition: and *that* Courage, in particular, which is but juſt ſufficient, when aided by Reſentment and a ſenſe of Reputation, to bear a man up againſt the danger of a Sword or Piſtol, is, beyond compariſon, inferiour to that divine Magnanimity which can forgive an Injury, which keeps a man cool and collected while his Adverſary is in a rage of diſappointment with not being able

to

to provoke him, and which is ſo free from all mean Reſentment againſt that Adverſary as to be able to look down upon him with Pity.

SECT. II.

Change of reputed Virtues.

IN this Section, we will aſſume, though contrary to Fact, that Duels are univerſally, or commonly, approved in the preſent Age; that, on certain occaſions, it is accounted not only allowable, but commendable and neceſſary, to fight; in ſhort, that Duelling is a *reputed Virtue*.

Virtue ought always to be honoured and eſteemed. This is certain. But, that an action at preſent eſteemed and honoured as virtuous, muſt be accounted virtuous in future ages, or that it deſerves to be ſo accounted, is an erroneous concluſion. In one Age and Nation an action has been approved as a Virtue, which in another Nation or Age has been barely permitted as indifferent, or elſe condemned as a Vice. And, in whatever country we live, we may be allowed to *preſume* that there are ſome actions approved in it, which do not merit approbation.

The practice of expoſing Infants, an ancient practice in Europe, a modern one in China, appointed by law in Sparta, in other ſtates permitted, is, in the very idea, ſhocking to the feelings

ings of an European Parent in our own times. In Athens it was lawful to marry a Siſter (by the father's ſide): in our own Age and Nation, this would be diſapproved, not ſimply, as a thing forbidden, but in a vehement degree, as unnatural. The horrid crime of Suicide was approved by the ancient Romans: they even exalted it into a point of Honour.

After the ſame manner, Duelling, in the degree, and in many of the caſes, in which it was faſhionable, a century and a half or two centuries ago, is now become ridiculous in the eyes of all. The fictitious character of Colonel Bath as deſcribed by Mr. Fielding in his Amelia, appears totally extravagant: yet the principal features of it are to be diſcerned in a real character; that of the firſt Lord Herbert of Chirbury*, in the reign of James the firſt. Lord Herbert was a man of merit and abilities; he diſcharged with great credit the office of Ambaſſador to France; his reputation as an Author too, has been very conſiderable. Yet his conduct in every thing which was judged to affect the point of Honour, was carried to an exceſs of captious Refinement. Which ſhews evidently that the Maxims of Duelliſts in that Age were much more extravagant than in the preſent.

The notions of the French, in the ſame Age,

* See his Life, written by himſelf.

may be gathered from a ſingle expreſſion of Lord Herbert's, in his own Life; where, ſpeaking of the French, he ſays, "there being ſcarce any man thought worth the looking on, that had not killed ſome other in duel." In addition to this, we may mention the Embaſſy which, in the year 1621, the Duke de Luines, Conſtable of France, cauſed to be ſent to England, with a train of Officers, of whom he told King James there was not one who had not killed his man §. Would it be thought decent, in the preſent age, to ſend ſuch an Embaſſy, and to declare thus publicly the reaſon for which thoſe particular perſons had been pitched upon to attend an Ambaſſador?

The preceding obſervations furniſh matter for Reflexion. If ſome actions which have been formerly approved or permitted, are now held to be both criminal and diſgraceful, the like Change may take place in other actions, unleſs we are to ſuppoſe the preſent Age perfect in its Theory of Morals. The approved Cuſtom of Duelling, (for in this Section it is aſſumed to be an *approved* Cuſtom,) may in a future Age be looked upon as ſo criminal, that no perſon, appearing to be guilty of it, ſhall have the leaſt hope of evading the regular puniſhment preſcribed by Law; and ſo diſgraceful, that, where a legal puniſhment fails for want of Proof, a ſtrong Suſpicion of

§ Biographical Dictionary, 8vo; vol. vi. p. 370.

having

having fought a Duel ſhall be ſufficient to exclude a man from all reputable Company. If the Maxims of Duelling, which about the end of the ſixteenth Century met with a ſerious approbation, would make the perſon ridiculous who ſhould adopt them, in the latter end of the eighteenth Century; there ſeems no abſurdity in ſuppoſing that in the nineteenth or twentieth Century the maxims of the eighteenth alſo may be exploded, and every ſpecies of Murder may meet with impartial Puniſhment and unſoftened Infamy.

It is the buſineſs of every man, but particularly of men diſtinguiſhed by Rank, Abilities, Character, and Accompliſhments, to forward the Improvement of the world in Morals, by oppoſing the falſe Virtues which have unjuſtly obtained a ſanction from Cuſtom. In the early periods of the Engliſh Hiſtory, we read of private Hoſtilities perpetually carried on between the Barons, aided on each ſide by their Vaſſals. Acts of Violence were every day committed, and with Credit to the Perpetrators, which would *now* conſign them unpitied to the ignominy of a Halter. Among thoſe once reputed Virtues in our Iſland, Robbery, Murder, Cruelty to the perſon, Violation of Women, Burning of Houſes, and Waſting of Lands, it is remarkable that the only one which maintains its credit at this day, is Murder; —— and this only according to cer-

tain preſcribed rules. It would be a Glory to the preſent Age, that it ſhould prevent its own diſgrace in having its murderous Maxims exploded by Poſterity, that it ſhould immediately ſtrike out this one more Crime from the liſt of Virtues falſely ſo reputed, and thus advance us one ſtep higher towards a Perfection in Morals.

SECT. III.

The Principles of Virtue, undermined.

A PERSON who thinks it neceſſary to fight upon ſuch occaſions as are commonly made the ſubject of a Duel, muſt never intirely loſe ſight of the poſſibility of being drawn into a ſituation, in which he cannot (according to his own ideas) avoid fighting. There is ſcarcely any Intercourſe between man and man, ſo ſimple, or ſo trifling, as not to be capable, through Accident or Miſapprehenſion, of laying the foundation of a Quarrel. The unremitting Attention, which is to be paid on this account to every article of behaviour, will at leaſt be the cauſe of a ſettled habitual Principle, or Syſtem of Principles, in the mind.

The queſtion is, whether this Principle, this Habit, will be uſeful or hurtful; whether it will have a deſirable or a pernicious Effect upon a man's

man's conduct. Is it not deſirable, you may ſay, that men ſhould pay a conſtant regard to each other, and avoid every degree of offenſive behaviour? And what is ſo likely to produce this effect as the being ſcrupulouſly careful to give no offence one's ſelf, and being always prepared to repreſs every tendency of that kind in others? This might perhaps be anſwered by ſaying, that if the Principles of the Duelliſt contribute in ſome caſes to the peace and harmony of the World, by intirely preventing Offence from being given, yet in other caſes they have a contrary effect, by magnifying an Offence already given, and by teaching a perſon not to recede from any Pretenſions, for fear of an imputation upon his Courage. Perhaps this anſwer might be ſufficient: but we are able to give one upon more general grounds.

It is not peculiar to the Principles of the Duelliſt, to teach men a peaceable behaviour in Society: the Principles of Virtue teach the ſame. Here then are two Syſtems of Principles, tending in common to an End confeſſedly good. If theſe two Syſtems do not coincide, the queſtion becomes, to which of them we muſt adhere. For there would be an abſurdity in attempting to follow the one on this occaſion, the other on that: which would be, either to act upon no Principle at all; or to fly to ſome third Syſtem, in order to know in every particular caſe which

of the two we ſhould make uſe of, and thus in effect to diſcard them both.

That theſe two Syſtems do not coincide throughout, but on the contrary differ widely in points of the firſt conſequence, has (it is hoped) been made ſufficiently evident, while we have examined the Principles of the Duelliſt, by referring them ſucceſſively to the Ideas of Equity, of good Order in Society, of Courage, of Magnanimity. Which then of the two Syſtems will you take for your Guide? There is but one Anſwer to be given by the man who has not courage to renounce all virtuous Principles collectively. If you have not the courage to do this, you muſt reject at once the whole Syſtem of Principles which the Duelliſt has ſubſtituted in the place of genuine Virtue, and not attempt to reconcile incompatible Theories.

Should you reſolutely adhere to the party of the Duelliſt, we might be tempted, in an obvious courſe of reaſoning, to pronounce you void of every Principle truly and purely virtuous. But our daily experience of human nature will not warrant ſuch a ſtrictneſs of concluſion. Man is full of inconſiſtencies. If he adopts a virtuous Plan of action, we ſee him repeatedly drawn from it by his Paſſions: and if he receives an erroneous Plan, he has not ſtrength and conſiſtence to follow always the Errors of his Judgment, but is often biaſſed by ſecret good Habits,

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and ſurpriſed into the commiſſion of virtuous actions which he had reprobated.

But this however we may venture to affirm; that the Syſtem which you have embraced, (beſides leading you, perhaps, immediately into a Crime of the greateſt Guilt,) will take off your attention from the pure maxims of Virtue, will accuſtom you to ſee in a favourable light a conduct which you ought to regard as criminal, and will thereby undermine in you thoſe Principles by which you ought to regulate every action of your life.

PART VI.

Duelling conſidered with reference to Honour.

SECT. I.

General Idea of Honour.

THE Foundation of all the ſenſes in which the word *Honour* is uſed, ſeems to be Reputation, or Opinion. In ſome of its acceptations, this is more evident; in others, leſs. Honour has been diſtinguiſhed*, (and, as it ſeems, with good reaſon,) into a Motive or Principle of action, and an End or Reward. Where it is ſpoken of as a Reward, there is not, in general, any difficulty in the conception. The Honour or Fame conferred directly upon any particular Merit, is an idea ſufficiently familiar to all. Sometimes however, the Reward is ſo ſeparated from the Merit which has deſerved it, that there is a difficulty in tracing the connexion between them. And again, the *Motive* is ſometimes ſpoken of in ſo abſtract a manner, as ſeated in the Breaſt of him whom it incites to action, that one does not immediately perceive what reference it has to Reputation or Opinion.

With regard to that caſe in which the Reward

* Adventurer, No. 61.

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is ſo far ſeparated from the Merit, and which may be inſtanced in the Honour annexed to Rank, Family, and Office; though it ſeems capable of being explained under the idea of a *Reward*, as referred to the Merit of the Anceſtor who acquired the Rank, or elevated the Family, or as due to the Qualifications which are always in Theory ſuppoſed, and often in Fact found, in the perſon who fills an Office; yet ſince it ſeems not immediately relative to our ſubject, we paſs it by without being more particular.

But, how it is to be underſtood that Honour as a *Principle* is always founded in Reputation or Opinion, is a point which it ſeems not impertinent to conſider with ſome attention. A nice ſenſe of Honour is ſometimes mentioned as ſynonimous to a refined ſenſe of Virtue: and men are repreſented as performing noble and worthy actions from this ſenſe of Honour, where the eye of the World cannot obſerve them, and where not even a ſingle Friend can be admitted as a Spectator. This is a noble Principle; but it is to be diſtinguiſhed from a ſenſe of Virtue, and may be traced up to the Fountain of Opinion or Reputation.

A nice ſenſe of Virtue is that by which we make ready and accurate diſtinctions between what is virtuous and what is vicious: but this is not to be confounded with the *Motive* which impels us to purſue the Virtue or avoid the Vice. This

Motive

Motive is in one perſon the Hope of Reward or Fear of Puniſhment in this life; in another, it is the like Hope or Fear reſpecting a future life; in a third, it is Benevolence joined to a perſuaſion that what he does will contribute to the Good of Mankind; and, (not to attempt a complete enumeration,) in a fourth it is a regard to his Character in the World.

The Influence of theſe Motives does not, in every ſingle inſtance, proceed from a diſtinct view of the Reward or Puniſhment, from an immediate contemplation of the Good which may be hoped for, or of the effect which a man's conduct is likely to have upon his Character. Attention to ſuch points in particular caſes, by frequent repetition, produces an habitual Principle, a Senſibility, which becomes a new Faculty in the mind. And ſuch ſeems to be the Origin of a ſenſe of Honour. A perſon ſees an action to be virtuous or vicious: from a regard to his Reputation, he accordingly determines to perform or forbear it. As often as it occurs, he forms the ſame determination: till he acquires, by degrees, an habitual Senſibility; which, without waiting for the Judgment, and ſometimes without obſerving whether there be any Spectators to approve or condemn, impels him immediately to whatever is virtuous, as ſomething reputable, and reſtrains him from whatever is vicious, as ſomething diſgraceful.

SECT.

SECT. II.

Laws *of Honour.*

DID a Senſe of Honour never operate otherwiſe than in ſtrict conformity with the general idea of it juſt now explained, it would appear in no other light than as an auxiliary Principle, engaged, along with other Powers, in the cauſe of Virtue. Had it always enforced the Rules of Virtue, we ſhould never have heard of the *Laws of Honour.* The Expreſſion itſelf would have had no uſe, if Honour had enacted nothing new, but only added a Sanction to what was already preſcribed.

But, unhappily, the Approbation of Mankind is frequently divided: what one perſon approves, another diſapproves. Hence it is evident that, if you would guide yourſelf by the Opinion of others, you muſt firſt determine *who* they ſhall be whoſe Opinion you will follow: —— the Voice of the World is nothing, till it is known who are to be conſidered as conſtituting the *World.* If the perſons whom you ſelect under that title, approve a number of Vices and condemn ſome Virtues; by your choice, you profeſs obedience to Laws which, not coinciding with thoſe of any other known Code, require a

diſtinct Apellation. They may with propriety be called, Laws of Honour: not becauſe they preſcribe actions which your Senſe of Honour, if duly regulated, would prompt you to; but becauſe the Senſe of Honour, ſuch as it exiſts in you, *does* prompt you to the actions which thoſe Laws preſcribe.

It is eaſy to perceive that the Laws of Honour, thus conſtituted, may differ widely from the Rules of Virtue, by the wrong Approbations which muſt ariſe from Error in Opinion and the Bias of Paſſion. But we muſt alſo take into our conſideration, that ſome perſons will affect to treat contemptuouſly what they cannot but ſecretly approve, and will beſtow marks of Honour upon what they inwardly condemn. Their *external* Approbation, (if we may be allowed the expreſſion,) goes beyond the real ſentiments of their hearts, towards the ſide of Vice; and makes the Laws of Honour to differ more widely from the Rules of Virtue.

If theſe ideas of the Laws of Honour be juſt, there will be no wonder, that different and contradictory Laws of Honour have prevailed in different Ages and Countries. What is called *faſhionable*, in Cuſtoms and Manners, has found its way amongſt Opinions: and there are faſhionable Opinions, (both merely ſpeculative, and alſo ſuch as have an immediate effect upon Action,)

Action,) which ſpring up, flouriſh, and die away, like a particular Shape of a Garment, or the Poſture and Motion made uſe of to denote Reſpect.

In ancient Rome, a Blow brought no Infamy upon the perſon ſtruck: no Law of Honour obliged him to revenge it with the Death of the perſon who had ſtruck him. A modern European Gentleman reſents a Blow, not for the Pain which it gives him, nor to prevent the Diſorders in Society which would follow from ſuch violence being ſuffered to go unpuniſhed, but becauſe a Blow *diſhonours* him. When the judicial Combat was in uſe, it was a point of Honour and the diſtinction of a Gentleman, to fight on Horſeback and covered with complete Armour: at preſent it is no diſgrace, in a Duel, to perſons of the higheſt rank, to fight on Foot; and defenſive Armour is totally ſet aſide by the Laws of Honour.

SECT. III.

Diſputes ſettled by amicable Explanation between the Parties.

TO ſettle a Diſpute by the Laws of Honour, is an expreſſion frequently made uſe of, to ſignify putting an end to a Quarrel by fighting a Duel: which, in reality, is to paſs over

over the matter in Diſpute, and to purſue an expedient tending to ſhew a degree of Courage in both Parties, but leaving the Merits of the Cauſe undecided. A man of nice feelings, and whoſe ſenſe of Honour is not perverted by a weak compliance with the errors of the World, cannot ſatisfy himſelf with this method of ending a Diſpute. If any part of his conduct has had an unfavourable appearance, he is anxious to remove that appearance; and is fully ſenſible that his Courage, and his Dexterity in the uſe of a weapon, cannot evince, to unprejudiced and thinking men, the rectitude of his conduct. Though he may have Courage to brave every danger, and even ſo much Ambition of ſhewing his Courage as to be glad of an honourable opportunity of doing it, yet his ſtrong Senſe of Honour cannot be ſatisfied with offering a proof of that ſingle Virtue as a proof of his Innocence in every point in which he may be accuſed. Artifice is beneath him: he cannot ſtoop to ſuch an Attempt, as that of diverting the attention of the World, by the oſtentatious exhibition of one popular Virtue, from an inſpection into other points of his conduct; but is convinced that, for clearing his Honour, there is no other poſſible way than that of appealing to the *Judgment* of thoſe who ſurvey his actions.

An Appeal then to the Judgment of others, (inſtead of an Appeal to the Sword or Piſtol,)

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is far from being, of itſelf, a proof of Cowardice: and nothing can give it the force of one, but ſuch a known character in the perſon who makes the appeal, as may render it probable that he acts from no better motive. Therefore we will now take it for a ſettled Principle, that a perſon may, with perfect ſafety to his Honour, endeavour to *convince* his Adverſary before he *fights* with him; and even that this is more honourable than the contrary method of proceeding. It may be done two ways; by amicable Eclairciſſement between the Parties, and by ſubmitting the Cauſe to the Deciſion of ſome third perſon, or a number of perſons, unprejudiced. We will examine the advantages of each of theſe ſeparately.

You conceive a perſon to have offended you. We will not ſuppoſe that either of you has the courage, directly to decline a Duel; but that in other reſpects both of you are actuated by the niceſt Senſe of true Honour; and that both are willing to try *firſt* what can be done towards an amicable termination of the affair, in the way of Eclairciſſement. He gives you the moſt explicit account of his conduct: he removes, we may ſuppoſe, the clouds which hung over it, and ſets it before you in full day-light, free from every ſpot of offence. *His* Honour of courſe is perfectly cleared: and your own Senſe

of

of Honour prompts you without delay to make the moſt open Declaration, that your ſuſpicions are at an end. If you have erred ſo far as to publiſh your ſuſpicions before you had candidly inquired into the foundation of them, the ſame Principle of Honour teaches you to correct that error, as far as lies in your power, by publiſhing alſo the Change in your ſentiments.

It may happen that ſome Fact, neceſſary to the full explanation of his conduct, is ſuch as cannot be revealed with propriety, or without doing an injury to ſome Friend. What courſe is proper in a caſe of this nature? His Senſe of Honour, it is true, will not permit him to reveal ſuch a Fact: but on the other hand, neither will yours permit you to aſk it of him. Let him explain the matter as far as he is at liberty to explain it; and, for the reſt, let him give you his word of Honour that the caſe is ſuch as we have ſuppoſed it, and that he is convinced, if he ſhall ever be at liberty to mention this Fact, you will immediately allow his conduct to have been without blame. Between two men of real Honour, can there be any thing degrading in this, either for the one to aſſert or for the other to admit? But we need not dwell upon this particular Caſe: for, even if it were allowed to be any real difficulty in our Theory, Inſtances of it occur not ſo often as to make any ſubſtantial objection to general reaſonings upon the ſubject.

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If the method of amicable Explanation were but as fully eſtabliſhed by the Laws of *faſhionable* Honour, as it is conſonant to thoſe of *true* Honour, theſe Inſtances would not be thought ſufficient to form an Exception to a general Rule.

But let us now ſuppoſe that the perſon has been guilty of ſome real Offence againſt you. In the Explanation which he gives you, he cannot put a falſe gloſs upon his conduct, and attempt to exculpate himſelf where he is conſcious of blame: becauſe he is a man of true Honour. But we have not ſuppoſed him free from the common frailties of a man: he is blinded perhaps by Self-love, or warped by Paſſion, and does not perceive himſelf to be in the wrong. This, it muſt be owned, is unfavourable to a Reconciliation: but he meets you, firſt, on amicable ground. You ſtate your complaint; he repreſents his own idea of the point in diſpute; and you diſcuſs the point together with Candour. What can be ſo likely as the method you take, to ſettle the affair to the Honour of both? Here are, in effect, mutual Accuſations: you directly accuſe him; and he, by denying the charge, indirectly accuſes you of charging him unjuſtly. Were you to proceed immediately to a Duel, the Accuſations would indeed be laid aſide by agreement; but the force of them would remain againſt the Honour of both.

Should you never afterwards come to an Explanation, your Adverſary muſt always appear, to you and thoſe who eſpouſe your Quarrel, in the light of an Offender; and you muſt appear to his Party in that of an unjuſt Accuſer. The only Honour which either of you could have acquired, would be that which is due to mere perſonal Courage.

In the uſe of the judicial Combats, the Conqueror acquired *ſomething*: his Conduct was cleared, or the Accuſation which he had brought was made good, by a ſuppoſed deciſion of Heaven in his favour. But in the preſent uſe of Duels, it is equally honourable to kill and be killed: and, as it is impoſſible that both Parties ſhould be proved to be in the right, it follows of courſe that neither the one nor the other can receive the leaſt vindication of his Honour, reſpecting the original ground of the Diſpute.

It is ſcarcely to be conceived that two perſons, each of whom is led by his Senſe of Honour to preſuppoſe, as far as Appearances will permit, an honourable conduct in the other, and to give to the other every information in his power; —— it is ſcarcely to be conceived that two ſuch perſons, conferring openly and amicably together, ſhould not in the end arrive at ſome determinate ſtate of the affair between them. In the preſent ſuppoſition, namely that you have received a real Offence, the Reſult of the Explanation

planation is this; that the other perſon, appearing now in the light of an Offender, and being actuated by a true Principle of Honour, confeſſes freely his fault, and aſks Pardon of you whom he has offended. It is humiliating, no doubt, to a man of Honour, to find that his conduct has been in any degree culpable: but the moſt natural, the moſt effectual, and the moſt honourable way of removing the humiliating ſenſation, is an ingenous Confeſſion, attended with ſuch a Behaviour as may demonſtrate the ſincerity of it. And *your* Senſe of Honour, in return, will accept in the readieſt and moſt ample manner this liberal ſubmiſſion of the Offender.

Thus, whether it appears upon inquiry that the perſon has really offended you, or that you have unjuſtly ſuſpected him, the affair is terminated, not only without perſonal harm to either, and with Honour to both, but with *much greater* Honour than the Courage diſplayed in a Duel could poſſibly have conferred. Duelling therefore is ſo far from being neceſſary amongſt men of Honour, that nothing more than a juſt ſenſe of Honour is required, to prevent it. You whom we have ſuppoſed to be actuated by that noble Principle, and engaged in a quarrel with a perſon like yourſelf, have found no neceſſity of recurring to ſo indeciſive an Expedient.

Had you fought firſt, and afterwards explained;

plained; what muſt have been the conſequence? If it had then appeared that your Suſpicions of your Adverſary were injurious, you had, to one Injury, added a greater, by an attempt upon his Life; with no better apology than that you had been willing to expoſe your own life, rather than forego the Opportunity of taking away his. If this apology be ſufficient to conſtitute a man of Honour, the Highwayman may claim the title; who expoſes his life both to a Piſtol and a Halter, and that, without intending an equal Miſchief to the perſon whom he attacks.

What Honour can be imagined in ſo ridiculous a ſcene, as a Combat ſolemnly engaged in, on account of a ſuppoſed Offence, and followed by an Explanation which makes it appear that the Offence never exiſted? Had you both ruſhed into ſuch a ſcene, blinded for a moment by the Heat of Reſentment; how muſt you have been aſhamed, when your eyes had afterwards been opened, to ſee that you had raſhly deſerted your own Principles of Honour, that the Object of your Diſpute had been merely imaginary, and that nothing was wanting but the opening of your eyes ſooner, to have prevented the Danger which you incurred, and to have ſaved the Honour which you forfeited?

In ſuch an Explanation, ſubſequent to a Duel, had it appeared that you had received a real Offence, this muſt have placed your *Adverſary* in

in a diſhonourable light. Conſcious of a fault, he ought to have begged your Pardon with the Spirit of a *Gentleman*, who ſcorns every falſe Appearance: or otherwiſe, if he believed himſelf to be in the right, his Duty both to you and himſelf directed him to juſtify his conduct by an Explanation. Inſtead of doing either, he has met you in the field with the ſullen Courage which dares to defend what is wrong, or at leaſt to ſlight the reputation of true Honour.

Whatever has been ſaid here in favour of amicable Explanations between the Parties, it is hoped that nothing will be underſtood as any Encouragement to one Party, to aſk improper Queſtions; or as any Apology for the other, if, through a mere abject *Fear*, he ſhould ſubmit to anſwer them. One and the ſame Action may proceed from different Motives. And though it is perhaps for the general Good, as well as a proper Reſpect paid to the Individual, to *preſume* his Motive right and honourable, till the contrary ſhall appear; yet Circumſtances may be ſo ſtrong as to ſhew that his Honour would permit him to ſacrifice his Adverſary, if his Fear would ſuffer him to endanger himſelf. In Circumſtances like theſe, if a perſon ſubmit to anſwer whatever is peremptorily demanded of him, he merits undoubtedly the contempt of every man of Honour. On the other hand, he

who aſks an Explanation, if he guide himſelf by a juſt Senſe of Honour, will be very careful to confine his inquiries within proper Limits: he will be ſolicitous for the juſtification of the other Party as well as himſelf; and, in doubtful caſes, he will think it leſs diſhonourable to accept too little than to demand too much.

SECT. IV.

Diſputes ſettled by Submiſſion to an Award.

THE queſtion remains yet behind, what is to be done if the Parties cannot come to an amicable Concluſion by the method of Explanation between themſelves. We cannot hope that ſuch a Concluſion will always be the reſult of an Explanation, if the Parties are taken from the Generality of Mankind, or even of thoſe who, claiming the rank of Gentlemen, claim along with it the privilege of deciding their differences by the Sword or Piſtol. Paſſion and Prejudice will ſometimes warp the judgment of the nobleſt minds; much more of ſuch as riſe not above the ordinary level. A Reſource therefore is wanted, when, after the Parties have endeavoured to convince each other, the one continues to feel himſelf an injured perſon, and the other is not become ſenſible of having committed an Injury.

Many

Many of the Offences which are the common occaſions of Duels, are ſuch as the Courts of Law take no cognizance of. Others, if brought into a Court of Law, ſeldom meet with an adequate Reparation. The trifling Damages, often awarded by a Jury, tend to diſcountenance Proſecutions, by caſting a degree of Ridicule upon the Complainant. The Courts of Honour in England * are fallen into Contempt; and of courſe could be of no uſe, if a Diſpute ſhould be referred to them. The Authority which is itſelf deſpiſed, cannot, by any deciſion, repair Injuries the Eſſence of which is Contempt and Diſgrace. What might be done, either in the way of Amendment in the Courts of Law, or by re-eſtabliſhing a Court of Honour, with ſuch circumſtances of Dignity as might render an Appeal to it reputable, we leave intirely to the wiſdom of the Legiſlature.

In the mean time, is there any Expedient more obvious, after a fruitleſs Eclairciſſement between the Parties, than to refer the Point in Diſpute to to ſome third perſon, or to a number of perſons, who are men of Honour, Judgment, and Experience, not connected with either Party, or equally connected with both? In a point of Honour, the Appeal (in Theory) ſeems to be to the

* In France too they are fallen into Contempt; although much greater attention has been paid, to keep up their Credit, in that kingdom than in England.

World at large. But as it is impoſſible either to convey the requiſite Information to the World at large, or to collect their Suffrages, it is proper to ſelect ſome Individuals qualified for the purpoſe. It were moſt eligible that theſe ſhould be appointed by public Authority: but, *if* this cannot be done, or till it *be* done, it ſeems a natural wiſh for a man of true Honour, that any Diſpute in which he may be involved, ſhould be laid without diſguiſe before ſome perſon or perſons privately choſen, who ſhould make a Deciſion and award a Reparation.

A moment's cool reflexion muſt convince any man that it is more honourable to refer his Quarrel to an equitable and well-informed Judge, than to decide upon it himſelf. Even were he ſo extraordinary a perſonage as to be able to judge impartially in his own Cauſe, the very Appearance ſhould be ſtudiouſly avoided by a man of Honour. We are aſhamed to reaſon with any perſon as if we thought it poſſible he ſhould really be of opinion, that a Deciſion awarded by his own voice, and carried into execution by his own ſword could repair his injured Honour. The contrary is ſo evident, that when we meet with any one who confeſſes, or boaſts, that he does not ſee it, we cannot avoid concluding him to be blinded by Prejudice or Reſentment. If he be not influenced by Reſentment for ſome particular Injury ſuffered, we muſt conclude him to be under

der the power of a Prejudice which, before it exiſted, muſt have appeared incredible: *that* Prejudice which teaches a man, in order to preſerve or acquire the Reputation of Courage, to diſregard the Sentiments of Mankind concerning him in all the other parts of his Character.

If a Diſpute upon a point of Honour be referred to any particular perſons, their Deciſion in favour of the injured Party, is, by the nature of the thing, a Reparation. For the Injury in queſtion being merely relative to Honour, which is founded in Opinion; a deciſive Opinion in favour of one Party, is the very End which he muſt have aimed at in referring the Diſpute. The preciſe Mode of Acknowledgment or Conceſſion appointed to be made to him, is mere Form and Ceremony; the Eſſence of the Reparation, is in the deciſive Opinion awarded; and the principal effect is produced, although the Sentence ſhould never be executed.

Should the Judges of the Cauſe think proper to award a Combat between the Parties, this would operate as a Reparation, and would clear the Honour of the injured Party; not indeed as a Combat, but as an Award. In other reſpects, it has been ſhewn * to be ſo criminal, and to involve ſuch abſurd and pernicious Principles, as not to merit our further Conſideration.

* Throughout Part 1 and 2.

CON-

CONCLUSION.

IT would be ſuperfluous to anſwer ſeparately the Arguments which are brought in favour of Duelling. A Practice which is repugnant to all Equity between Individuals, which is forbidden by poſitive Laws and tends to ſubvert all Society, which deſtroys the proper Balance between different Virtues and undermines the Principles of Virtue in general, which is even inadequate to that Effect of which it makes its peculiar boaſt, the Reparation of injured Honour; —— ſuch a Practice, although it ſhould be allowed to be productive of ſome few good conſequences, could not on that account be tolerated.

To ſay that it accuſtoms men to the idea of Danger, and thereby diffuſes a Spirit of Valour which forms the Strength of a Nation; to ſay that it prevents ſome great Injuries which might hope, from Circumſtances, to eſcape legal puniſhment, and many ſmaller ones which the Law overlooks or puniſhes ineffectually; to ſay that it ſuppreſſes Rudeneſs of manners, that it makes men reſpectful and attentive to each other in the common intercourſe of life; to ſay all this, and much more, in favour of Duelling, would be ſaying nothing to the purpoſe, while it ſtands

expoſed

expoſed to the Charges which we have brought againſt it.

Inſtead then of giving ſeparate Anſwers to the Arguments urged in its favour, we will confine ourſelves to this general Remark; that the moſt favourable light in which it can be ſeen, is that of a private Vice producing a public Benefit. No one will deny that it is in general a Crime, to take away the Life of a man without the public authority: but we may conceive it poſſible to be argued by ſome, that, in particular circumſtances, ſuch an Act may be vindicated on account of the Advantages reſulting from it.

The celebrated poſition, that private Vices are public Benefits, is of ſo pernicious a nature, that it deſerves to be refuted wherever it occurs: and a ſhort refutation of it here will not perhaps be conſtrued as a treſpaſs upon the Reader's patience.

The principal way in which any Vice can be a Benefit to the Public, is by removing or counteracting another Vice. The Avarice of ſome, as well as the commendable Frugality of others, contributes to repreſs in their Inferiours that ſpirit of Diſſipation which, if indulged, leads to every Exceſs; and where unable to curb it, ſtill diminiſhes its bad Effects. The vicious Luxury of the rich, co-operates with their virtuous Luxury (if that expreſſion may be allowed for the ſake of brevity), in removing the barbarous Sloth

which

which overſpreads the bulk of mankind when not immediately ſtimulated to action. The like obtains in other Inſtances.

The praiſe due to Vices thus oppoſing each other, is preciſely that which we owe to two Robbers who, happening to meet, attack and deſtroy each other. Each of them, intending only miſchief to an Individual, does accidentally a Good to the Community, by removing out of it a man whoſe life was already forfeited. But this accidental Good is no juſtification, either of their general courſe of life, or of this particular act of violence which was the immediate Cauſe of the Good produced. It had been much better for Society, that neither of them had fallen into that courſe of life: and, one of them being ſuppoſed to be already engaged in it, the other is ſo far from receiving a commendation for attacking him, that if he himſelf had eſcaped a mortal wound, he would have been puniſhed for killing the former, as for Murder.

So, in two contending Vices, it were much better for Society, that neither of them exiſted: and, if one of them has already taken place, it is no excuſe for the admiſſion of the other. To allow ſuch an excuſe, would be to grant a general licence to almoſt every Vice which can be named; as almoſt every one would introduce itſelf under a pretext of deſtroying or counteracting its oppoſite.

Perhaps,

Perhaps, however, it will even be urged, that ſome private Vices are *directly* beneficial to the Public; that the Vice of Luxury, for inſtance, promotes every uſeful Art and a general Civilization of Manners. But, whatever Good may in fact ariſe from any Vice, it is enough to ſee that the ſame Good might be produced by other means, if all Vice were taken out of the World. Remove the vicious Pride which exalts ſome above employing themſelves, remove the Idleneſs which ſinks others below the deſire of doing Good, remove all the diſtracting Paſſions which take off men's attention from their Duties and their Enjoyments: it will then be found that the ſocial Affections, together with the natural and acquired Taſtes of men whoſe Feelings are uncorrupted, and whoſe Hearts are free from every debaſing Conſciouſneſs, are ſufficient, without the aid of Vice, to create an univerſal Activity. The Arts will riſe, diſengaged from incumbrance and interruption, till they reach a height unknown to the moſt improved ages; and that Refinement of Manners which now ſhines, as an external ornament, with ſuch diſtinguiſhed luſtre, in a *few*, will ſpring up as the genuine fruit of the Heart, and will produce effects above our preſent conceptions, by being common to *all*.

Arguments therefore in favour of Duelling muſt be intirely nugatory, even if they can prove that

that it counteracts the operations of other Vices, or is directly productive of ſome good Effects. This is a kind of reaſoning which gives a countenance to Vice in general, and muſt retard the improvement of the World in Morals. The way to improve the World, is to remove the Vices which are in it; not, to add new ones. The way to remedy the pernicious Effects of the Vices which have taken poſſeſſion of it, is to remove the Cauſes, the Vices themſelves; not to introduce other Vices, which, if they be oppoſite in their *particular* Effects, certainly conſpire with them in the general one of bringing Miſery upon Mankind. Or, if *Legiſlators* ever find it neceſſary to connive at one Vice in order to ſuppreſs its oppoſite, yet with private perſons a ſtrict adherence to *every* Virtue is the only ſafe and admiſſible rule of conduct.

All the good Effects aſcribed to Duelling might be produced by other means: and therefore it remains ſtrictly chargeable with all the Evil derived from it, without any allowance to be made for a caſual mixture of Good. There is a Selfiſhneſs in it which makes a man rate his own Importance too high; which makes him ſet up his own Reputation above the Intereſts of his Family and his Country. Theſe have large claims upon him: and a proper attention to their claims would not only ſhew him in its true light the Vanity of riſking a life valuable to them, for

every

every the ſlighteſt Breath of Diſhonour upon himſelf; but would produce that manly ſpirit of national defence, which is ſometimes reckoned among the good Effects of Duelling. It is not to be conceived, that the ſelfiſh and exceſſive regard, paid by the punctilious Duelliſt to his own private feelings of Diſgrace, ſhould inſpire him with a patriotic Valour, comparable to that which he might derive from domeſtic Attachments united with a generous love of his Country.

In like manner, whatever effect the practice of Duelling can be ſuppoſed to have in deterring men from giving Offence where they are not expoſed to a legal puniſhment, or from the commiſſion of Crimes where Circumſtances might afford a hope of impunity; whatever its efficacy may be in poliſhing the Manners of the World; it is enough to ſay, that there are other and better Means for anſwering the ſame good Purpoſes. If the Laws are defective, let them be improved; and let not their defective ſtate be a pretext for countenancing a practice which tends to ſubvert all Law and Society. But whether any Improvement be made in the Laws or not, whether they are *capable* or not of receiving Improvement, the Duty of a private Individual lies clear before him.

Let him carefully cultivate in himſelf the general Principles of Virtue and Benevolence. But let him not imagine that every thing is accompliſhed,

pliſhed, in the firſt moment in which he forms ſome virtuous Reſolutions for the rule of his conduct. Let him perſevere in the ſtudy and practice of the lower as well as the higher Duties of life. This Diſcipline exerciſed upon himſelf will ſoon convince him that it is not a fruitleſs Labour; and continued Cultivation will advance the Effects of it to a happy Maturity, while Pleaſure accompanies the growth of every benevolent ſentiment. By Habit, the minuter Attentions of ſocial intercourſe will gradually become eaſy and familiar; till at length they will be the mere Gratification of a Deſire to pleaſe. Such are the ſteps by which he may arrive at the Eſſence of all that is truly refined in Manners; though he may not fall into the particular Mode of Refinement which prevails in one Age or Nation.

As far as his Influence extends, let him promote in others the Cultivation of the ſame fundamental Principles. And if he ſtill obſerves a number of perſons guilty of thoſe Vices to which he would apply Duelling as a Remedy, let him recollect that he is an *Individual*, that the correction of thoſe Vices in his own Breaſt is his proper and immediate buſineſs, and that the moſt ſincere ardour of Reformation will not juſtify him in the commiſſion of ſuch a Crime for the ſake of teaching other men their Duty.

If he has a ſhare in forming the minds of the riſing

riſing Generation, this opens the faireſt proſpect for the ſucceſs of his endeavours. Let him check the firſt appearances of a haughty Self-importance, and in its place inculcate the moſt humane regard for the intereſts of a Fellow-creature. Let him inſtruct thoſe whom his Inſtructions reach, to pay Reſpect to the Opinions, Taſtes, and Feelings of others: and, that he may give Effect to his Inſtructions, let him accuſtom thoſe whoſe Conduct he regulates, to act, in matters of great and ſmall importance, under the conſtant influence of ſuch Impreſſions. Thus will he contribute his part to render the practice of Duelling uſeleſs, and at the ſame time to make it be held in abhorrence. Thus will he contribute to undermine a ſelfiſh and degenerate Honour; and to lay a ſolid foundation for a ſuperſtructure of comprehenſive Benevolence, virtuous Honour, refined Manners, and univerſal Happineſs.

THE END.

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